The Genealogical Reader

NOEL C. STEVENSON

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A Collection of Articles Selected and Edited by

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Preface

Hidden away in the various genealogical periodicals are many excellent articles on genealogical research. These articles have been accumulating ever since the *New England Historical and Genealogical Register* commenced publication over one hundred years ago. Many of these writings on genealogy are masterpieces that delineate research methods in an extremely lucid style. These articles have fulfilled a need in supplying the necessary background every researcher must acquire before he can become a competent genealogist.

The need for the dissemination of the methods and background contained in these masterworks is undoubtedly greater today than at the time of first publication due to the great interest manifested in genealogy in recent years. A genealogical researcher who has not read and digested material on interpreting records, problems involving the calendar, official records, new developments in research, critical analyses of subjects such as heraldry, pre-American ancestry, and identification of ancestors, is simply not keeping current with his subject.

In perusing some of the articles written twenty-five and even fifty years ago, I was pleased to find that most of them are just as timely in 1958 as when first written. The great majority of the genealogists who are enthusiastically engaged in this fascinating subject have had no opportunity to read the earlier issues of the genealogical periodicals and hence have missed the masterpieces I have referred to. Realizing this condition, I have selected and edited this anthology in order to make it possible for every devotee of genealogy to reap the benefit of the most stimulating writing on your favorite subject.

Preface

Robert Graves once said that "A well-chosen anthology is a complete dispensary of medicine for the more common mental disorders, and may be used as much for prevention as cure." If by reading this anthology you find it possible to *cure* any or some of the problems that plague every genealogist from time to time this book will have accomplished its purpose.

I would be remiss in my duty if I failed to credit my many friends who have encouraged and helped me with this book. It is impossible to mention all of you by name. I am very grateful to the authors whose essays are included in this volume. Special credit is due my good friend, Donald Lines Jacobus, who generously allowed me to reprint anything desired from *The American Genealogist*. I am also grateful to other Fellows of the American Society of Genealogists who have aided and encouraged me in this project and particularly I thank Milton Rubincam and Meredith B. Colket for their advice and counsel.

Noel C. Stevenson

Calais, Vermont
March 1958

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Pitfalls in Genealogical Research

By Milton Rubincam, F.A.S.G., F.N.G.S.
Green Meadows, West Hyattsville, Md.

The beginner in genealogical investigation soon learns much about techniques of research and source-materials, but frequently it takes time for him to recognize certain danger-signs which, if left unheeded, will swerve him from the trail and send him chasing after a wholly unrelated family. This report will consider the following topics: (1) Assumption of relationship to families of similar names; (2) Chronology; (3) Claims to nobility; (4) Family traditions; (5) Assumption of coats-of-arms; and (6) Importance of reviewing the periodical literature.

(1) *Assumption of relationship to families of similar names.* One of our great failings when we first undertake to trace our ancestry is to assume a connection with another family of similar or identical surname. This is an especially dangerous procedure, for, until we develop the ability to analyze the evidence at our disposal and to deduce therefrom correct conclusions, we find ourselves annexing ancestors who do not belong to us.

Many examples come readily to mind. An Indiana family claimed that their ancestor, William Moffett, married Isabella Read, daughter of John and Gertrude (Thompson) Read, and granddaughter of George Read, of Delaware, Signer of the Declaration of Independence. This allegation is not supported by Maj. Harmon Pumpelly Read's valuable and well-documented *Rossiana* (1908), containing detailed accounts of the Ross and Read families. On p. 270 he shows that the Signer's son, John Read (1769-1854), married Martha Meredith (*not* Gertrude Thompson), and had five children: John Meredith, Edward, Henry Meredith, Margaret Meredith (died in infancy), and another Margaret Meredith (un-

married). The "daughter" Isabella is conspicuous by reason of her absence. Further research discloses that the Isabella *Read* who married William Moffett belonged to a relatively obscure family of *Reed* of Washington Co., Va. Obviously the Indiana descendants of William and Isabella (Reed) Moffett had assumed a connection with the great Delaware family partly because of the similarity of surname and, perhaps, partly because of the fame of the Signer.

Another case of mistaken identity involved families named Tuttle and Tuthill. To put it mildly, the published genealogies were bewildering. It was said, for instance, that Samuel Tuttle, of Hanover, Morris Co., married (1751) Rachel, daughter of Col. Jacob Ford, Sr., of Morristown. The Ford family historians declared that Samuel's wife was not Rachel but Sarah, daughter of the senior Col. Ford; moreover, they spelled his name *Tuthill*. Also, the Ford genealogists stated he died in 1814, 52 years *after* he had died in 1762 according to the Tuttle authorities. (The present writer aged rapidly while trying to solve this baffling mystery!) Eventually he proved that two men of unrelated families were involved, one named Samuel Tuttle, who died in 1762, and the other named Samuel Tuthill, who died in 1814. It was the latter (Tuthill) who married Sarah, daughter of Col. Jacob Ford, Sr., and it was demonstrated that the former (Tuttle) married *Rachel Gould*. To add to the confusion, both men were Presbyterians, both lived in the same neighborhood, and Moses, brother of Samuel *Tuttle*, married Jane Ford and so became a brother-in-law of Samuel *Tuthill!*

(2) *Chronology.*—Many a false family tree has been constructed because of the failure to take chronology into consideration.

About 35 years ago the writer of a little book on the Haines family of Burlington Co., N. J. declared that the founder, Richard Haines or Haynes, of Aynho, Northamp-

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tonshire, England, who died at sea enroute to America in 1682, was a son of Rev. John Haynes and grandson of John Haynes, of co. Essex, England, a celebrated 17th century governor of Connecticut, by his wife, Mabel Harlakenden. The compiler of that slender volume did not realize she had a slight technicality to overcome—the matter of chronology. Mabel (Harlakenden) Haynes was born in 1614, and as Richard Haines must have been born between 1635 and 1640, his "grandmother" had reached the youthful age of 21 to 26 years at the time of his birth. Moreover, if we accept this lineage, Rev. John Haynes must have been born at about the same time as his alleged "son," the ancestor of the New Jersey family.

In 1937 a book was published purporting to show the royal ancestry of George Gardiner, an early New England settler. The next year a competent young genealogist published an article demonstrating that the compilers of the book not only had crowded six generations into about 30 years, but they had successfully indicated that a woman was married *before* her great-grandmother was born!

Going to the other extreme, some writers give too few generations to their families. In 1946 a query appeared in that highly useful paper, *Genealogy & History*, asserting that in 1310 Hugh Sawyer was knighted for bravery by Richard Coeur de Lion, and that Hugh's son, Sir Robert Sawyer, was Attorney-General to King Charles II, who reigned from 1660 to 1685. The absurdity of this statement is apparent when one realizes that over 350 years separated the "father" in 1310 from his "son" in the 17th century. (A case of remarkable longevity and besides, Richard Coeur de Lion was not King in 1310, but had reigned over a century earlier.)

(3) *Claims to nobility.*—Unfounded claims to antiquity are the bane of careful genealogists. There is nothing so distasteful as the necessity for exploding a beautiful family legend, but in the interest of historical and genealogical accuracy, such an *expose* must be made. Numerous books making wild allegations are in existence, and it is one of the most diffi-

cult things to shake the faith in those allegations of members of the families involved. The story has appeared in print. *Ergo,* it must be so. Johannes Gutenberg little realized, when he invented printing from moveable types, that in time the printing-press would take on an aura of genealogical sanctity.

Among the American claims to royal and noble origins which have been thoroughly exploded are the Rittenhouse descent from Emperor Maximilian II, of the House of Hapsburg; the Dyer descent from Lady Arabella Stuart; the Springer descent from the Thuringian Landgrave, Ludwig "der Springer"; the Fernald descent from the patriarch Seth, who, we are assured (with great particularity), was born on Monday, 3 April 130, and died on Friday, 11 November 1042; and the Washington descent from the god Odin! European families likewise claim fantastic origins—the French ducal house of Lévis-Mirepoix, tracing descent from the priestly tribe of Levi; the Massimo family of Rome, boasting of its descent from Fabius Maximus; the Fieldings, Earls of Denbigh and Desmond, claiming to be a branch of the House of Hapsburg-Lauffenburg, etc. In the 19th century the great Dr. J. Horace Round proved that this last line was based on a series of forged documents—a blow from which the haughty Fieldings never quite recovered. But all of these claims pale into insignificance when we consider the origin of the Hungarian princely house of Esterházy, the genealogy of which formerly began as follows: "*Adam Esterházy,* first of the name; *Adam,* his son, second of the name *Adam,* his son, third of the name, under whom God created the world"!

The above comments are not intended to discourage genealogical novices. Many claims to the medieval ancestry of 17th and 18th century American colonists are quite valid, as the following list shows: Gov. Thomas Dudley, of Massachusetts, and Anne Hutchinson, the great fighter for freedom of conscience, from Magna Charta barons; Dep. Gov. Roger Ludlow, of Connecticut, from King Edward I, of England; Edward Carleton, of Rowley, Mass., from Edward III, of England; John Barclay of Perth Amboy, N. J., from a late

King, James IV, of Scotland (fell at Flodden Field, 1513); Edward FitzRandolph, of Piscataway, N. J., from the knightly House of FitzRandolph of Spennithorne, Yorks, and earlier from the ancient Dukes of Brittany; Samuel Appleton, of Ipswich, Mass., descended maternally from the English knightly families of Guildford, Haute, Frowick, etc.; George Elkington, of Burlington Co., N. J., from William d'Aubigny, Earl of Arundel, by his wife, Adelicia (Adelheid of Brabant), widow of King Henry I; and Margaretha Catharina (Sartorius) Rübenkam, widow of Pastor Johann Phillip Rübenkam, of Wanfried, Hessen-Rheinfels, and foundress of the Rubincam-Revercomb family of Pennsylvania and Virginia, sprang maternally from the noble Hessian feudal house von Boyneburg *genannt* Ho(h)enstein. Only by painstaking research and careful analysis of the evidence, have the descents of the above-named colonists from royal, noble, and knightly families been established. This list may seem impressive—but even more impressive is the list of settlers whose noble ancestry can *not* be proved.

(4) *Family traditions.*—Many families have traditions which, after careful testing by the genealogist, must be discarded. Especially popular are the Huguenot and Hessian traditions. A Browne family, for instance, claims to have originated in a French Lebrun family, and a Huguenot descent is alleged for a family bearing the good old English name of Pemberton. American families claiming a Hessian origin are legion. A descent from a Hessian soldier of the Revolution has been claimed for the Baumgardner family of Lancaster Co., Pa., although representatives of that family were in Pennsylvania as early as 1727, or before. The usual "Hessian officer" ancestor has been assigned to Gen. George A. Custer, but it seems more likely that he was descended from Paulus Küster, an early settler at Germantown, Pa. And so it goes on.

It should be noted, however, that many traditions contain a germ of truth, but upon investigation it is found that they

relate to families into which the ancestors of the traditions married.

(5) *Assumption of Coats-of-Arms.*—The right to bear arms is a source of mystification to many genealogists, who adopt the armorial insignia of other families without proving their right thereto. The late Mrs. Florence B. Culver, Herald of the National Genealogical Society, once told about a lady named Howard who, concluding that she was related to the Duke of Norfolk, unhesitatingly appropriated the entire coat-of-arms of the head of the House of Howard, Premier Dukes and Premier Earls of England. She was blissfully unaware of the fact, but her action proclaimed to the world that *she* was the Duke of Norfolk. The fact that our ancestors bore the same surnames as armigerous families does not automatically permit us to assume the heraldic bearings of those families. We must prove that they were descended from families which had a legal right to use such insignia. For many years the New England Historic Genealogical Society at Boston has been publishing *A Roll of Arms* (now in several parts) which is the record of those American families entitled to coat-armor.

(6) *Importance of reviewing the periodical literature.*—The noted Austrian genealogist, Karl Friedrich von Frank, in a letter to the author in 1953, commented, after examining various issues of the N. G. S. QUARTERLY: "From those and other genealogical publications of the US, I take it that a lot of sources are published and I wonder that those sources are very rarely used by American genealogists, as I can see from the many inquiries I am getting from the States. *Most of the American genealogists don't know the sources they have ready for use in their own country,* and I am often in the position of giving them advice from the same printed sources."

Many errors would be avoided if the compilers of genealogies would take the trouble to familiarize themselves with genealogical magazines. We may cite two examples from a very recent book. In this volume was traced the ancestry of Obadiah Bruen, a founder of Newark, N. J. (1666), to a

certain Robert Le Bruen, a mythical son of King Edward I. This mistake would not have occurred if the author of the work had learned of Donald Lines Jacobus's article carefully analyzing Bruen's ancestry in *The American Genealogist* in 1950. Again, it was asserted that Capt. Thomas Munson (1612-85), of New Haven, Conn., was the "second Baronet" and son of Sir Thomas Monson, 1st Baronet. It so happened that the 1st Baronet's son, Thomas, died in England without issue in 1662, hence could not have been the colonist. The author of the book evidently was unaware of the present writer's article in *The American Genealogist* in 1941 in which the New Haven Munsons were *tentatively* assigned to the Munsons of Rattlesden, co. Suffolk.

It is realized, of course, that some family historians do not live near large libraries and hence do not have access to genealogical magazines. But for those who can, it is a good policy to review the periodical literature devoted to this type of research, or if they can afford it to subscribe to one or more such publications. Jacobus's *Index to Genealogical Periodicals* (now in three volumes) is an invaluable guide for such journals.

The leading American genealogical periodicals today include the *New England Historical and Genealogical Register*, founded in 1847; *New York Genealogical and Biographical Record* (1870); *Pennsylvania Genealogical Magazine* (1892; formerly the *Publications of the Genealogical Society of Pennsylvania*); *National Genealogical Society Quarterly* (1912); and *The American Genealogist*, a privately-owned magazine founded by Mr. Jacobus in 1922, when it was known as the *New Haven Genealogical Magazine*.

The New England, New York, and Pennsylvania magazines are generally limited to the areas defined by their names, but they also contain much information on families and sources in other sections of the country. The *New England Historical and Genealogical Register* is also rich in materials relating to English medieval families. *The American Genealogist* is valuable for its scholarly investigations of false and fraudulent

pedigrees and for the new light it shows on the origins of families. Its book reviews are authoritative evaluations of genealogical works which cross Mr. Jacobus's desk.

The National Genealogical Society Quarterly, originally a small magazine in size and scope, has become so enlarged under the last three editors (Dr. G. M. Brumbaugh, 1917-1942; Dr. Jean Stephenson, 1942-45 and the late Miss Roberta P. Wakefield, 1945-57) that it has published articles on genealogical resources in widely different parts of the country as well as in England, Ireland, and Germany. Its book reviews, some of them hard-hitting, have attracted much attention, with the result that American and foreign authors have sent their genealogical productions to it for review.

The value of occasionally reviewing the periodical literature is twofold: (1) Articles dealing with family history are thus brought to our attention, and (2) we often find source-materials (tombstone inscriptions, Bible records, church registers, etc.) and guides to research in our ancestral areas which otherwise would escape us entirely.

For You Sir

A Baptism in Hades Depths
Hung upon red hot hooks
Awaits the Lout Who goeth out
Without replacing Books.
But he who puts the books away
Shall dwell among the blest
Where the wicked cease from troubling
And the Weary are at rest.
And in the Great Hereafter
HE, who this warning heeds
Shall find his name recorded
In the Registry of Deeds.

Posted at the Registry of Deeds, Worcester, Massachusetts.

Reading Room, Local History and Genealogy, Library of Congress Annex, fifth floor.
(*Photograph courtesy of the Library of Congress.*)

A Few Odd Ways By Which Family Records Have Been Preserved

By Mrs. William Wallace McPherson

The Family Bible is the usual means by which records have been handed down to succeeding generations, but we have found records in a Hymn Book, the one in question being in possession of Mrs. Franklin M. Miller of Chicago, in which is recorded some of the Thaddeus Kingsley data. Thaddeus Kingsley was born in Connecticut, lived in Becket, Mass., served in Revolution and was pensioned in Albany County, N.Y.

Diaries of course are a common source of information, but a diary kept by a man making a trip around Cape Horn to San Francisco in the gold rush was more like a ship log. Dr. Morrell of Chicago has such a diary. His grandfather set out from Boston, and his diary gave a full account of wage scales and the high price of potatoes and butter in those times, as well as clues to ancestry. Mrs. Wilbur Helm of Glencoe, Ill., possesses a surveyor's book which has family records of her ancestors who came from Lancaster County, Pa., to Fleming County, Ky., thence to Greencastle, Indiana.

Samplers often preserve family records. We saw a very old one in Smyrna, Delaware, of the Evans Family. Miss Leete, an antique dealer of Guilford, Conn., purchased one of the Steele family giving data which solved a problem in genealogy.

Grave records, church records, wills, deeds, court orders, and minutes and chancery proceedings, orphans' court, pension files, and census enumerations, are common means to ancestral knowledge. We found an old Bible Dictionary in Springfield, Tennessee, which showed that Rev. Thomas

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Gunn was born on the Forks of the Nottoway, Virginia. Rev. Thomas and James Gunn were founders of Methodism in Tennessee.

Family charts compiled by interested members of the family are of great help—if they are correct. We found a family chart in possession of Judge Charles Albert Williams of Chicago which was compiled in 1850 by his great-uncle and which is erroneous as we proved by church and vital records. It states David Williams was born "Bowling," Conn. David was born Berlin, Conn., but was not son of the father attributed to him by the chart.

An odd family tree of a Seeley family, found in Glens Falls, N. Y., was a water color picture of roses with family records in each rose.

Embroidered pictures were another source of record. Mrs. George Fitch (Abigail Williams) of Ellicottville, N.Y., has one of these embroidered pictures, which shows a woman standing by a gravestone on which is inscribed a record. These pictures generally have a large tree by the grave, and the woman has mitts on her hands. Mrs. Fitch's ancestor was Tamesin Chapman, wife of Israel Perkins of Connecticut. Mrs. Franklin John Stransky of Savanna, Illinois, has one which shows the dates of her Revolutionary ancestor's wife's sister, Permelia Nevins of Bedford, N. H.

Account books were another means of keeping records. Mr. Perry Pritchett of Knox County, Ind., has one which gives the record of his Revolutionary ancestor, John Pritchett of North Carolina, who was pensioned. The family some years ago erected a government marker to his memory and unfortunately, instead of consulting his pension papers to secure his true service, obtained a service from the office of the Adjutant General, Washington, D.C., of a Virginia John Pritchard, and in consequence the stone was wrongly inscribed.

Mrs. George Welch Olmsted of Ludlow, Pa., has in her book of ancestry a photostat of the Pendleton record, made in an account book by her ancestor, James Pendleton, born 1778,

son of James Pentleton of Weston, Conn. This account book is now in possession of the Misses Martha and Myrtle Pendleton of Scio, N. Y.

Gravestones of course supply good records, and sometimes oddities. One found in Hillsboro, N. H., stated that the stone was erected for a man's mother-in-law and gave the cost thereof.

Old letters are another vast help. Recently we found an old letter in possession of Mrs. Charles Farrar Isola, of Milford, N. H., written by William Heywood and wife Caroline of Rockville, Conn., to his sister Amy widow of Abiel Wilkins of Mt. Vernon, N. H. Caroline casually mentions her brother Daniel Millen's death. A search of New Boston, N. H., records revealed that Caroline who married William Heywood was Caroline McMillen, sister of Daniel.

Mrs. William James Tollerton, of Chicago, did not know where her grandfather William Carrol Gunn of Versailles, Missouri, was born. Some old letters in her attic showed correspondence with Robertson County, Tennessee, Gunns. By original research they were traced from Tennessee to North Carolina to Virginia. She did not know where her father was born except "near Louisville, Ky." Census records, coupled with deeds and a tavern license, showed him to be born in an Inn now standing at Big Spring, Kentucky.

We were doing research in Perkinsville, Vt., and were told the deeds were in a vault in a country grocery store. Seeing two old men on the steps of the store, we asked, "Is the recorder of Deeds here?" One turned to the other and said, "They want recorder of Bees. I don't want to get mixed up in it."

Newspaper obituaries help if there is not too much family tradition. The Horsley family have an obituary of their grandmother and because she was a Shrewsbury, it said she was a niece of George Washington. Another family had a James Carroll who, they said, was descended from Charles Carroll the Signer, whereas James Carroll was a poor Methodist of North Carolina and Tennessee, and Charles Carroll

a rich Roman Catholic. Someone was descended from Samuel Smith, the Signer from Pennsylvania, and the said Samuel had only one son, who never married. The same person was descended from Peter Miller of Pennsylvania, who proved to be a celibate.

A town history of Oxford, N. Y., states that Ephraim Fitch's grandfather came on the Mayflower. The Ephraim in question was born in 1738 at Norwich, Conn., and generations must have been long indeed if his grandfather landed in 1620. In using traditional statements, and those made in town and county histories, it is necessary to employ discrimination, and to sift the false from the true, particularly with regard to the more remote ancestors.

Mixed Doubles

MR. BROWN AND MR. BROWN MEET UNEXPECTEDLY

"Mr. Brown of southern Utah and Mr. Brown of northern Utah had a great deal in common.

"The Utah state tax commission's drivers' licensing division said each was a mechanic. Each had driven for 15 years and each was 47 years old. They were not related.

"They had an unscheduled meeting in neutral territory in central Utah, where their cars collided head-on. The automobiles were considerably damaged but Mr. Brown and Mr. Brown escaped uninjured.

"Thomas Willett was the first mayor of New York. He served in 1665." *Ulster County, N. Y., News.*

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Thomas Willett's connection with the Browns is not divulged by the Ulster County editor, but volume 80 of THE RECORD shows that the Willetts also came in doubles. Mayor Thomas Willett of New York could easily have collided with Colonel Thomas Willett of Flushing in the crowded streets of old Manhattan. The only element lacking in such an event would have been the ubiquitous reporter.—Ed.

Dates and the Calendar

By Donald Lines Jacobus, M.A., F.A.S.G.

DATES

Names, dates and places are the working material of the genealogist, and for ease and accuracy in handling dates the genealogist should possess or develop a mathematical mind. He should see at a glance that a man born in 1738 was too young to marry in 1751; and that he probably did not marry a woman born in 1724. Experience teaches him to weigh problems of date and to draw conclusions from them almost instantaneously.

When very few positive dates are available, and the genealogist desires to check the probability of an alleged pedigree or a series of relationships, it is helpful to assign "guessed" dates of births. If the children of given parents are known, but not their birth dates, these can be guessed from known dates. If the age at death of one of the children is found stated, then for this one we have an approximate date of birth, probably not more than a year away from fact in either direction. We thus can work from the known towards the unknown, and group the other children about the one with the fixed date. The marriage dates of some of the children may be known, and birth dates may be guessed from these, on the basis that a boy married at from 22 to 26, and a girl at from 18 to 24. When one of the girls had recorded children born from 1721 to 1745, for example, then at a glance we can set down 1700-1701 almost with certainty as the approximate time of her birth, because here we have the known limits of the period of child-bearing to guide us.

Such "guessed" dates should be clearly marked in some way to avoid confusion with positive dates that have record authority. They can be placed in brackets, thus: [say 1701].

Or the date can be preceded by the word "circa," Latin meaning "about," or its abbreviation, "c."

When we have arrived at such approximate dates for the births of all the children, the advantage is the picture it gives of the family as a whole. Perhaps our problem is the parentage of one Charles Evans, and we suspect that he belonged in the family group whose approximate ages we have been working out. We know, let us say, from his age at death, that he was born about 1685. Let us suppose that the births of this group of children we worked out can be placed with extreme probability between 1698 and 1715. It then appears that our Charles, born about 1685, was more probably of the previous generation, possibly an uncle of the children whose ages we guessed.

For many reasons it is advantageous in doing genealogical research to consider *the family group,* not to look upon each ancestor as an isolated individual, or as a mere link in a chain of descent. One of the most important reasons is, that it enables us to check the chronology. Very often, the relations of dates determine or negate the possibility of an alleged line of descent, or provide clues which might otherwise elude detection. It is a good idea to write out the full family history, or chart the relationships, while working, inclusive of "guessed" dates where positive dates are not known. It is a great aid to the memory as well as to the imagination, if the eye can see the members of the family grouped together.

There is one technical matter that affects dates and needs to be studied in some detail if the genealogist is to understand and properly interpret the Old Style dates; this is the important calendar change of 1752. As few things are more confusing to the inexperienced searcher, a complete explanation of it will be given.

THE CALENDAR

The Julian calendar was used throughout the Middle Ages

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in Europe. Its inaccuracy amounted to about three days in every four centuries. By the time the Gregorian Calendar (named after Pope Gregory XIII) was adopted in 1582, calendar dates were ahead of actual time by ten days. Since actual time is the time it takes the earth for one complete revolution about the sun (a year), if the calendar had been left uncorrected, in the course of centuries the present summer months would have come in the winter, and vice versa.

Although the Roman Catholic countries adopted the Gregorian calendar in 1582, the conservatism of the English, and the fact that the new calendar was sponsored by a *Pope*, delayed the acceptance of it in Great Britain and her colonies until after the passage of an Act of Parliament in 1751. By this time, the old calendar was eleven days ahead of sun time, so the Act provided that in 1752, the second day of September should be followed by the fourteenth day of September. In other words, what would have been September 3rd was called the 14th, exactly eleven days being thus dropped out of the year.

The cause of the error was the addition of a day to the calendar each fourth year (Leap Year). This very nearly made the average years correspond with sun time, but not quite. In every 400 years, as above stated, the calendar went three days ahead of sun time. The dropping of eleven days in 1752 brought the calendar back into harmony with sun time; and to provide against a recurrence of the trouble, it was also provided that on the even centuries, no Leap Year day should be added except in a century divisible by 400. Thus 1800 and 1900 were not Leap Years, but the year 2000 will be. In this way, in the 400 years beginning with 1752, there will be three days less than there were in each 400 years preceding 1752, hence the old error will not be repeated.

So little did the people understand the need for the calendar revision, that an angry mob gathered outside the Houses

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The Greek Church did not approve the calendar revision, and consequently Greece, Bulgaria and Russia were on the Old Style calendar until the World War, when they were thirteen days ahead of sun time.

of Parliament, demanding that eleven days filched out of their lives be restored to them. Actually, calling the third day of September the fourteenth day did not deprive any person of eleven days of his life any more than changing a man's name from Bill to Tom would make him a different person. The real effect was to make every person born on or before 2 Sept. 1752 eleven days older (by the new calendar) than the record of his birth (in Old Style) would indicate. A child born on 2 Sept. 1752 (the last day of the Old Style) would be, by the calendar, twelve days old on the following day, 14 Sept. 1752 (the first day of the New Style).

People do not like to be considered older than they really are, not even eleven days older. It was natural that those living in 1752 should "rectify" their birth dates. George Washington was born 11 Feb. 1731/2. In 1752 the calendar change automatically made him eleven days older, so like most men of his generation, he rectified his birth date, making it 22 Feb. 1732. The latter is the date on which he *would have been born if* the New Style Calendar had been in effect in 1732—which it was not.

Although it was (and is) incorrect to change the dates prior to Sept. 1752 into New Style, it was done to such an extent by those living in 1752 that the genealogist has to make allowance for it. Suppose, for example, that a group of brothers and sisters were born between the years 1743 and 1760. The older children were born before the calendar change, and in the town records the Old Style dates were therefore used in entering their births. The first child was born, let us say, 25 May 1743. Now, after all the children had been born, the parents bought a Bible, say about 1765, and entered in it their own marriage and the births of the children, giving *New Style* dates for *all* the children, including those born before 1752 whose birth-days should properly have been entered Old Style. As a result, we find that the eldest child (whose birth in the conemporary town records had been entered as 25 May 1743) was entered in the Bible

as born 5 June 1743. Both dates are correct, but the former is the date that *ought* to be used, unless the latter has the words "New Style" added to indicate that it is a "rectified" date.

A further effect of this change must be mentioned. When a man died after 1752, assuming that he was born between 29 February 1700 and 2 September 1752, and his age at death was stated exactly in years, months and days, the resultant date of birth (figured from the age at death) is the New Style date of birth, and therefore eleven days later than the recorded Old Style date of birth.

For example, Ephraim Burr, by his gravestone, died 29 Apr. 1776 aged 76 years and 13 days. Subtracting the age gives us 16 Apr. 1700 for his birth, but of course to get the Old Style date then in use we must subtract eleven days more. His birth was not recorded, but he was *baptized* 14 Apr. 1700, two days before his New Style date of birth. After subtracting the eleven days, we find that his real date of birth, in accordance with the Old Style calendar then in use, was 5 Apr. 1700, which was nine days *before* he was baptized. Obviously he could not have been born two days *after* baptism, which is the result we get if we fail to make allowance for the calendar change.

It is very necessary that the genealogist, professional or amateur, should thoroughly understand this calendar change, or he will miss proofs of identity furnished by the comparison of birth records with stated ages at death.

When a child was born before 1752 and the birth was recorded contemporaneously, add eleven days to the date to obtain the New Style equivalent.

When a person born prior to Sept. 1752 died after that date and the death record states the *exact* age, subtract the age from the date of death, and then subtract eleven days more to obtain the Old Style equivalent.

Exact ages were not always stated, and unless the *days* are specified, the presumption is that the age is not exact.

When the record states that a man died aged fifty years and eight months, he may have been that age to a day, but he may have been a few days over the fifty years and eight months. Recorders did not always bother to specify the age to a day, nor did those who had gravestones erected always so specify.

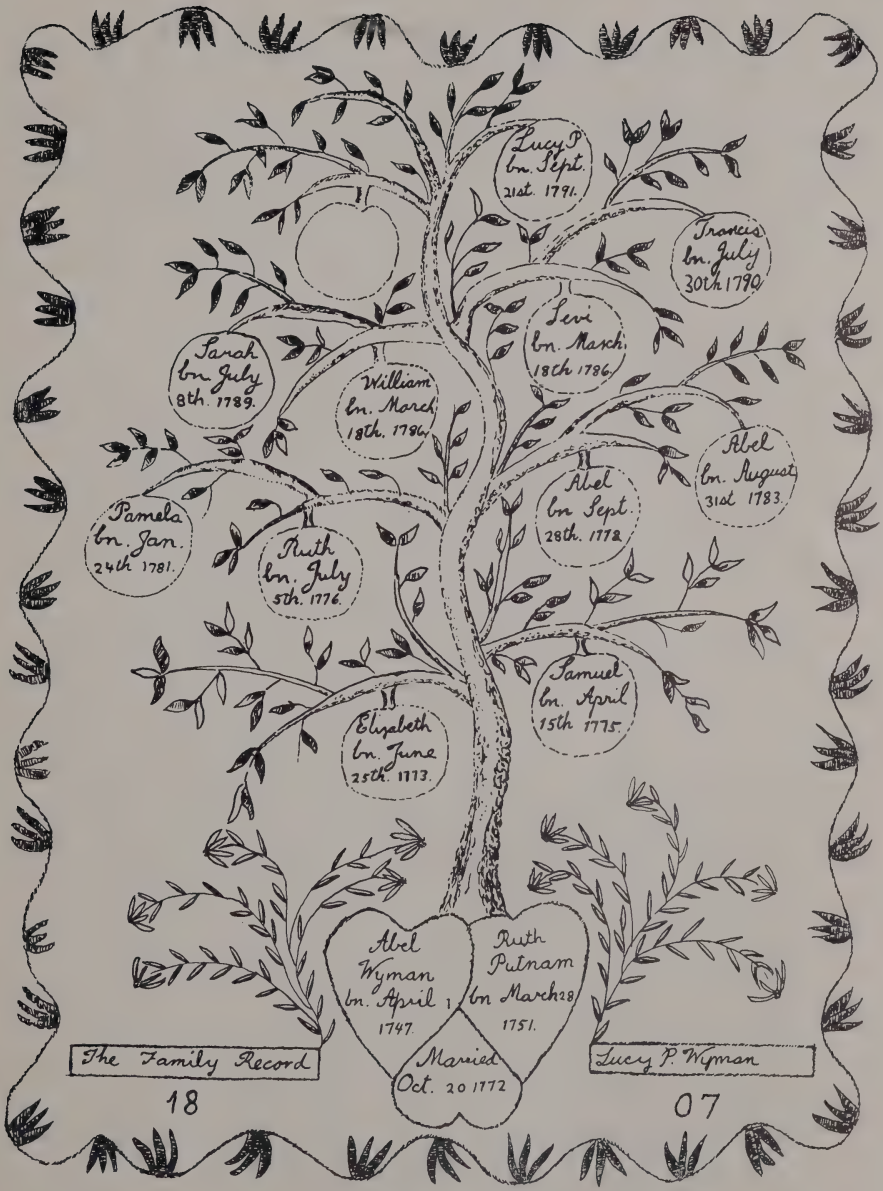
In order to make quite clear the effect of the calendar change, to those who have difficulty in grasping it, the following was the order of days in 1752 beginning with August 30.

30 August
31 August
1 September
2 September
14 September
15 September

As the error in the Old Style Calendar was progressive in nature, those born prior to 29 February 1700 should have added ten, not eleven days, to their dates of birth to bring them into conformity with New Style, when that was adopted in 1752. That is what well-informed people did if they were 52 or over. Others, figuring that they had lost eleven days out of September 1752, erroneously rectified their birth dates by adding eleven days instead of ten; failing to realize that 1700 would not have been a Leap Year under the New Style Calendar, and that by living through 29 February 1700, they had gained one day, so that when the change occurred in 1752, their net loss was ten days and not eleven.

NEW YEAR'S DAY

One other change was made in 1752, and that was the date of beginning the New Year. It is understood by everyone that between one Spring and the next a year has elapsed, similarly between one Autumn and the next. But when we assign numbers to the years for convenience in referring to them, it is necessary to begin the new year on a particular day. The succession of seasons and years is entirely natural, caused by the orbit of the earth about the sun. But selecting one certain day on which to start a new year is an artificial and an



Genealogical Sampler embroidered by Lucy P. Wyman in 1807 at the age of sixteen years. This is one of the many interesting and unusual examples of how families have preserved their genealogy.

(Reproduced from *American Samplers*, by Ethel Stanwood Bolton and Eva Johnston Coe, 1921. Original owned by Mrs. Bradbury Bedell.)

arbitrary thing. Consequently, various peoples in various ages have celebrated different New Year's Days. Some of the ancient races ended their year with a Harvest Festival, and the Jews still retain that season. Others began the year with the Vernal Equinox, and since Easter fell near that season, the date quite generally used for the religious New Year's Day by Christians was 25 March. There was no uniformity in the early centuries, and some began the year on 25 December, the traditional birthday of Christ.

The only dates for New Year's Day which were in use in American colonial days among the English settlers were 25 March and 1 January. The latter was the beginning of the legal year, while the former, as we have seen, had more religious significance. The Act of Parliament in 1751 established 1 January as New Year's Day for 1752 and subsequent years. Thereafter, we are not bothered by the confusion that existed when the year had two possible beginnings.

Now this change did not, like the dropping of eleven days, have any effect on the ages of persons then living. This will be seen if we suppose that it should be decided hereafter to celebrate the Fourth of July on Armistice Day. A person born 4 May would still be born on 4 May; and when New Year's Day was shifted from 25 March to 1 January, it did not affect the birthday of a man born on 4 May. His birthday was still 4 May, Old Style, or 15 May, New Style.

Some have misunderstood the effects of the change in New Year's Day, and have supposed that it caused a difference of nearly three months in people's ages. When the names of the months of birth were entered, such a notion is unthinkable. Before 1700, the early recorders sometimes used the *number* of the month instead of its *name*. This was the practice of the Quakers, and occasionally survived until a later period. Of course, March was then numbered as the first month, since New Year's Day fell in it, and dates before the 25th were considered as belonging to the first month, as well as dates after the 25th. April was the second month,

and May the third. The early Quaker records were often very precise, stating that an event occurred "on the 10th of the 5th month which is called July."

When the *number* of the month was stated in any record prior to 1752, the genealogist should reckon March as the first month, and February as the twelfth.

If a record states that John Jones was born on the 10th of the fifth month, 1710, this must be Old Style, and means that he was born in July. After 1752, July became the seventh instead of the fifth month, but this does not affect the fact that John Jones was born in July.

Before 1752, there is likely to be some confusion with regard to dates between 1 January and 24 March, unless we know what New Year's Day a particular recorder used. It is apparent that if the year began 25 March, a man born on 20 February was born before the new year began, hence a year earlier than it would be by New Style. If 1710 began on 25 March, then a man born on 20 February following was born in 1710, since 1711 did not begin until the next month. Dates between 1 January and 24 March fell in the preceding year if Old Style was used; but if New Style was used, this threw all dates after 1 January into the new year.

The only problem in this connection is the *year* in which a man was born, and we always run the chance of an error of *exactly* a year if we do not know which calendar the recorder used. Back of 1700, we can usually assume that the year began on 25 March, and this is true of most church registers until 1752. But after 1700, the use of 1 January was gradually coming into favor, especially in legal documents and town records.

Careful recorders used a double date, and when this was done all confusion or uncertainty is eliminated. George Washington was born 11 Feb. 1731/2, which means that the year was still 1731 if the New Year was reckoned as not beginning until 25 March, but that the year was already 1732 if it had begun 1 January. That is, it was 1731 Old Style, or 1732

New Style. Genealogists should always copy the double date when it is given in the records, for the single date is an uncertain one. The date 11 Feb. 1731, Old Style, is identical with 22 Feb. 1732, New Style.

Sometimes records in Old Style look peculiar to us. In Norwich, Conn., vital records, we read that Robert Wade married 11 Mar. 1691, and the eldest child was born Jan. 1691. We may assume that the marriage occurred 11 Mar. 1690/1, this recorder happening to use the later year date here because he was thinking of March as the first month of the new year; the child was born Jan. 1691/2, ten months later. It was still 1691, Old Style.

Remember that this confusion, before 1752, of year dates, applies only to dates between 1 January and 24 March, since all other dates belong to the same year regardless of when New Year's Day was celebrated.

Epitaph On A Miser

Here lies one who for medicines would not give
A little gold, and so his life was lost;
I fancy now he'd wish to live,
Could he but guess how much his funeral cost.

Low's Almanac, 1794.

English and American Heraldry

By G. Andrews Moriarty, A. M., LL.B., F.S.A., F.A.S.G.

While the display of arms in the United States is very widely spread, much misapprehension and abuse of their use is also rife and it seems that a brief account of heraldry will be timely in a magazine of the nature and scope of the *American Genealogist*.

Roughly speaking, the history of heraldry may be divided into two periods. The first extends from the time when arms were first used (the second half of the twelfth century) until the end of the fifteenth century, when gunpowder came into general use, or, more properly speaking, until the end of the Middle Ages. The second period, starting from the commencement of the modern world (about the year 1500) reaches to the present day.

Arms first came into use in England about the year 1150, but they were not generally used until the close of the century and the beginning of the next. The use of arms became general all over Western Europe, in those countries where the Feudal System prevailed, at about the time of the Third Crusade. Prior to this, devices of various sorts were used on shields, but nothing that can properly be called of an heraldic nature is to be found before this period. The shields of the Normans, as depicted in the Bayeaux Tapestry, shew such devices but they are of a non-heraldic nature. The use of arms first arose from two practical needs; first, the necessity of distinguishing the various members of the feudal host in time of war; and secondly, in an age when writing was confined to members of the ecclesiastical profession, to provide men of property with a means of identifying their legal documents. It follows, therefore, that in early days their use was confined to men at arms and persons of property, that is to

say, the more important members of society. The first known arms in England appear upon a seal of the deClares about 1145, the first royal arms are those shewn upon the seal of Richard I (about 1197). The earliest arms were those of the great nobles, but their use quickly spread to their retainers, the mesne or undertenants, a class represented to-day in England by the county families. These early coats were very simple, as were the rules of blazon and the regulations governing their use. The simpler a coat is, the older it is sure to be. Thus the great house of Clare bore three chevrons, and the English kings, three leopards. The oldest coats, being the simplest, are, from artistic standpoint, the most beautiful, and soon the herald's art became conventionalized into suitable and artistic forms, which can best be seen today in the beautiful Garter Stall Plates in St. George's Chapel, Windsor. These coats were made towards the end of our first period, about 1450.

In this first period, as has already been said, the rules of blazon were few and simple and arose from practical needs. Thus the fundamental rule that colour cannot be placed on colour or metal on metal, as, for example, a red lion on a blue shield or a gold lion on a silver shield, but that metal must be placed on colour or colour on metal, i.e., a gold lion on a red shield or a red lion on a gold shield, arose from the fact that the latter form of charge can be seen much better at a distance than the former.

In like manner, the rules regulating the use of these early coats were very simple. Anybody who needed a coat assumed one of his own making, provided it did not infringe upon the rights of another, just as a man may assume a trade mark to-day. The analogy between coats of arms and a trade mark is very strong. A man might acquire a right to either by long use or he might have it granted to him outright. In this early period arms were often granted to a man by his overlord, in which case they are usually reminiscent of

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the overlord's coat. The use of arms at this time was very loose, as compared with the later regulations. Often a man would discard his paternal coat and assume that of his mother, if she happened to be an heiress, or he might assume an entirely new coat granted to him for some reason by his lord. A good illustration of the way in which coat armour was used in mediaeval times will be seen in the armorial bearings of the Morteyn family of Nottinghamshire, a family which became extinct about 1300. In the Roll of Henry III (an early roll of arms) this family bore the simple coat of ermine a chief gules. The cadet branch of the family in Bedfordshire differenced their arms by indenting the chief. In the time of Edward I the head of the family discarded the paternal coat for that of his mother, a Rous heiress, and in the reign of Edward III, a member of the cadet branch in Bedfordshire, who was the man of business for Ralph de Stafford, used a new coat granted to him by that great baron.

In all ages the heralds have always been exceedingly fond of punning or allusive coats, that is to say, a coat suggested by the name of the family which bore it. Thus the family of Lucy bore three lucies (fishes), that of Bowles of Swineshead (Lincs.) three swines' heads issuant from three bowls, and that of Standish three standing dishes. This use of allusive coats has been characteristic of heraldry in all ages.

One vulgar error regarding heraldry may perhaps as well be noted here as elsewhere. We often hear people talk about a "bar sinister" as denoting bastardy. In the first place, there is no such thing in heraldry as a bar sinister. The proper term is a bend sinister. In the second place, a bend sinister does not necessarily denote bastardy except in the case of royalty and even here its use is comparatively modern. Bastardy may be denoted in a number of ways, but consideration of them is beyond the scope of this article.

With the invention of gunpowder and the education of laymen, the practical need for heraldry passed and it became an antiquarian anachronism. The founding of the College of Arms in 1483 and the restricting of the use of coat armour

to grants made by the Crown through its heralds, who were given the regulation of all matters pertaining to armory, marks the close of the first or great period of heraldry. With the coming of the modern world, exemplified in England by the rise of the Tudors, the science of the shield entered upon evil days. The art rapidly degenerated and shields were henceforth overloaded with a superfluity of charges, the rules both of user and blazon became complex and meaningless and the whole science of arms was overburdened by a silly jargon, characteristic of an age delighting in strange conceits but totally lacking in critical faculty. From now on, until very recently, heraldry rapidly disintegrated until it reached its lowest ebb in the days of Victoria. To-day, critical study has revealed the true history of early heraldry and the simplicity and beauty of mediaeval armory, with the result that the best heraldric artists of to-day model their work upon the earlier examples.

With the overturn of society that accompanied the introduction of the modern economic system and which took place, roughly speaking, in the first half of the sixteenth century, many new families of mean origin came to the front, and such as were willing to pay the fees demanded by the venal Tudor heralds, were supplied with new arms and forged pedigrees. At this time so many arms were assumed without authority that the so-called Visitations of the different counties were authorized in an attempt to check the wrongful assumption of arms. These Visitations were made from time to time until in the reign of Charles II they were discontinued by the heralds who despaired of coping with the flood of unlawfully assumed arms. Dugdale, the greatest of the Stuart heralds, laid down the sensible rule that he would recognize all arms, regardless of whether they had been granted or not, provided a family could shew that they had used a coat for three generations or since the reign of Queen Elizabeth, provided of course that such user did not infringe upon the lawful rights of some other family.

It should be noted that the settlement of America took

place in this period when arms were being assumed without authority. Many of the early settlers of the better sort brought over arms with them, some authentic, some usurped. Ever since that time, especially in the 18th and 19th centuries, the wholesale assumption of arms has gone on in this country without a shadow of claim. Americans usually believe, but erroneously, that if they happen to have the same name as a family rightfully bearing arms that they are entitled to use that coat regardless of whether they can prove their descent from the armigerous family or not. The fact that two families happen to have the same name does not prove necessarily any connection between them. One has only to consider the name of Smith, which is derived from one or another of the innumerable smiths working in England at the time when surnames were first assumed, to understand that two families of the same name may not necessarily have any blood connection. Now no family of the name of Smith is entitled, on that account, to use one of the numerous Smith coats, unless it can be shewn that it descended from the armigerous family. Arms to-day are what is technically known in the law as an incorporeal hereditament and belong only to the person to whom they were granted and his descendants in the male line. Unless such a descent can be proved, the use of the coat is not only without right but is in very bad taste.

One is frequently asked about the right of women to coats of arms. A woman descended from a genuinely armigerous family has the right, so long as she remains unmarried, to bear her paternal coat upon a lozenge shaped shield; upon her marriage with non armigerous person she no longer has a right to use the arms, but if her husband is entitled to use arms she also has the right to use his coat.

In the eighteenth century many prosperous Colonists, deciding that they ought to have a coat of arms, would write to their commercial agents in England, who, in due course, would send over a coat belonging to some family of the same or similar name, regardless of whether there was any connec-

tion between the two families. Such coats have often been used for more than one hundred and fifty years by the American family, but it seems hardly necessary to point out that such user cannot give any more right to display the coat than the first assumer had. The use of such arms to-day is, to say the least, in very doubtful taste, carrying as it does a claim of kinship with the family lawfully entitled to use them.

At the close of the seventeenth century, there was a carriage painter in Boston, named Gore, who painted arms for the Boston gentry of that day. He made a roll of arms that has been lost but which survives to-day in an unique copy, made early in the nineteenth century, now belonging to the New England Historic Genealogical Society. This roll has no authority as to the right of the families appearing therein to the arms, but it is of value as shewing what families were then claiming the right to use arms. About one hundred years later another painter worked in New England, named Cole. His work has even less authority, although he was very active in turning out coats for his clients. They are usually easily distinguished by certain characteristics. Thus two leek leaves crossed beneath the shield and the motto "By the name of" Smith or Jones, as the case may be, usually mark his work. Many a New England family is the proud possessor of a Cole forgery and the owners bitterly resent it if its lack of authenticity is pointed out to them. Of recent years, the wrongful assumption of coats belonging to families of the same or similar name with the assumer, has become a wholesale and highly reprehensible practice.

There are, however, many families among the descendants of the early settlers, who are entitled to coats of arms. Some are descendants of early grantees of arms; others descend from ancient families which have always been entitled to use a coat from early times. Oftentimes their remote descendant in America is totally unaware of his right to use arms.

One hears frequently the word "crest" used as a synonym for a coat of arms. Such an expression is highly improper. Technically speaking, the crest is the ornament or device

THE POCKET HERALD.

In the arms of Princes — of Nobles — of Gentry.

Colours.	*called in heraldry*			*Engraved*
**The metals gold and silver are engraved* or *and* argent.	*Yellow*	Sol	topaz	*or
	White	Luna	pearl	*argent
	Red	Mars	ruby	gules
	Blue	Jupiter	saphire	azure
	Green	Venus	emerald	vert
	Purple	Mercury	amethyst	purpure
	Black	Saturn	diamond	sable

Furs ermine ermines erminois vair

Charges borne — a pheon's head; escalop

The points of the Escutcheon or Shield.

Explanation

1 2 3
4
5
6
7 8 9

1 *the dexter Chief*
2 *precise middle Ch:*
3 *sinister Chief*
4 *honor point*
5 *the fess point*
6 *nombril pt*
7 *dexter base*
8 *exact mid: base*
9 *sinister base*

Charges borne. — a trefoil slip'd; garbe.

Lines

engrailed
invected
wavy or undy
imbattled or crenelle
nebulee
indented
dancette
champaine
ragule

Differences or distinctions of houses.

for Archeir

the Lable
Crescent — 2d
Mullet — 3d
Martlet — 4th
and the double Quater foil

5th son — Annulet
6th — Fleur de lis
7th — Rose
8th — Crofs moline
9th

Other Charges borne in Arms.

quater-foil star. lozenge. mescutcheon. masele. billet. cinquefoil.

Roundlets distinguish'd by the colour. — tenné

Bezants. Plates Torteaux. Hurts. Pomeis. Golpes. Pellets. Orange.

Publish'd as the Act directs 1st Aug.t 1810

above the shield and over the helmet. In heraldry the crest is comparatively unimportant and was frequently changed by different individuals of the same family. The important thing is the shield with the arms upon it. Above the shield and below the crest comes the helmet. This is of various forms, according to the rank of the owner. The common form usually appearing in American armory is the esquire's helmet, which is depicted as a closed helmet turned sideways.

In America there is no College of Arms and nothing but good taste to prevent anyone from assuming the coat of any other family, whether of the same name or not. In view of the history of armory, there seems to be no reason why anyone should not assume a coat, if he so wishes, provided it does not violate the rules of blazon and provided it does not infringe upon the rights of somebody else. In this connection it must be borne in mind that *the fact that a family of the same name is entitled to arms does not give a person the right to use these arms, unless he can prove himself a member of the armigerous family.*

The rules laid down by the Committee on Heraldry of the New England Historic Genealogical Society, as to what arms they will register (and it must be borne in mind that such registration has no legal or other effect except that, in the opinion of the members of the Committee, such arms are rightfully used) are as broad as it seems possible to make them and yet keep in mind the rights of user. The Committee accepts all coats where descent is proved from a grantee of arms or from a family that has always used them from mediaeval times. It also accepts all coats where it can be proved that the first comer to this country used them, as making out a *prima facie* case of the right to such use. If it can subsequently be shewn that such user was without right, the arms are removed from its list.

It is suggested that anyone, who wishes to indulge in the harmless vanity of displaying arms, should consider whether the arms he wishes to use meet one of the above requirements.

If not, there is no reason why he should not assume an entirely new coat, provided it does not infringe upon another's right. When a coat has been long used by a family, or in the case of an entirely new coat, the College of Arms in London, upon the payment of the proper fees, will grant the new coat or the old coat with proper differences, to any American of British descent who applies for it, subject to one (now rather meaningless) restriction, that the grantee shall not be engaged in retail trade.

The study of arms in its first great period is instructive and fascinating both from an historical and an artistic viewpoint. In the words of one[a] who is unrivaled for his knowledge of heraldry:

"For us at least the study of the use of arms in its native age, an age which has passed utterly away, is all that remains for the student of armory. By such study we shall add in some humble measure to the knowledge of the history of our land, and in looking away from a grey and ordered time we shall delight our eyes with the fantastic beauty of that true armory, chief tirewoman to those dead years which once went in scarlet with ornaments of gold on their apparel."

[a]Oswald Barron, Esq., F.S.A.

Is Genealogy An Exact Science?

By Donald Lines Jacobus, M.A.
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"Science" is merely a word of Latin derivation meaning "knowledge." If we except mathematics, which is not so much a science in itself as a mode of measurement employed in all the sciences, there are no exact sciences. The more definitely measurement can be employed, the more exact a science becomes. Hence, astronomy and physics may be considered as reasonably exact sciences, though even here when we approach infinite magnitude, as of distance in astronomy, or infinite smallness, as of electrons in physics, and our measuring devices are not sufficiently acute, we discover a wide margin of inexactitude.

Sciences which relate wholly or in part to human nature are considered the least exact. History and biography may be exact as to dates, but in so far as they deal with human motives, the "why" of historical and personal events, they can never hope to be absolutely correct. Genealogy, as one of the sciences in which human nature is a factor, is considered to be one of the less exact sciences. As practiced by many of its devotees, it is certainly one of the least exact. Yet it is entitled to rank higher, provided only that proper scientific methods be pursued.

The real object of genealogy is to establish lines of descent of human beings. Whether the motives of the inquirer be to make a study of heredity, or to join a certain society by proving descent from a qualifying ancestor, or mere curiosity to learn the identity of one's forebears, the line of descent is the essential thing. All else is incidental.

Among these incidentals are dates. These are important for purposes of identification of ancestors; they are the

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measuring device which helps to make genealogy an exact science. No one who lacks a mathematical mind can hope to become a genealogist of the very first rank, for it is necessary to deal with dates constantly.

The dates in themselves may not be utterly exact. The family Bible may differ a day or two from the town record of birth; it may even differ by an exact year. The date of death may not be precisely known, except that it falls between the making and proving of the man's will. Yet the dates, if ascertained and copied with meticulous care, are usually exact enough for the larger purpose of identification of persons.

Biologically, the genealogist is concerned with proving a line of descent; which means, proving the parentage of one individual at a time, then the parentage of his parents, and so on, step by step. How exact is this process?

We may as well concede, at the start, that the paternity of every child in a human pedigree is a matter of faith, or belief, not of proved fact. Although the present writer, like most genealogists, has excellent reasons for the assumption that an extremely high percentage of children were actually the offspring of their reputed parents, it is hardly necessary to call attention to the fact that a single infidelity on the part of an ancestress would be sufficient to invalidate the paternal ancestry back of that generation. Hence, biologically considered, it must be granted that genealogy is not as exact a science as could be desired, since an entirely unknown margin of error always exists, at least as a theoretical possibility.

The genealogist has no means of going behind the official records. The pity is, that he does not more consistently pursue the policy of depending on the official records for his conclusions. Every science must admit the possibility of a margin of error. But in most of the sciences, conclusions are reached only after the collection of all facts which might affect the matter, and after experimentation; which, in genealogy, means the setting up of hypotheses, the testing of these hypotheses by known facts, and the successful elimination

of all but one hypothesis, which is then accepted as the only one which fits and explains the facts.

When these scientific methods are employed, by a genealogist of sufficient knowledge and training, genealogy becomes a reasonably exact science. Let us consider an example of scientific methods, to illustrate how they work. Peter Gubbins appeared, let us say, in the town of Straitsville, where his children were born between 1800 and 1820. The line has been traced back to this Peter, and his origin is sought. Using the splendid facilities that are now available to the genealogist in many of the older sections of the country, it is found that a Peter, son of John Gubbins, was born in 1775 in Freetown, some fifty miles away. The dates fit, but the identity of the two Peters is a mere assumption or guess, if we stop here.

We therefore collect every atom of evidence concerning Peter which is available in the records of Freetown, or at the county seat, or at the State Library. We find that his father John died in 1798, leaving a will in which he gave specified realty to each of his sons, including Peter. In the land records, we find that in 1801 Peter Gubbins "of Straitsville" sold this land, the description of the property proving it to be the same which was given to Peter in his father's will. If we are lucky, Peter's deed may even specify that the land "was set to me from the estate of my father John Gubbins deceased." In any case the cumulative evidence is sufficient to *prove* that our Peter Gubbins of Straitsville was the son of John whose birth was recorded at Freetown in 1775. We are assuming, of course, that the Straitsville records have been thoroughly searched, and indicate that only *one* Peter Gubbins was living there in the period from 1800 to 1820; also that the U. S. Census shows but one Peter as head of a family in Straitsville in 1800 and 1810.

In the above illustrative case, we have attained a degree of proof sufficient even for legal purposes; we are no longer relying on guesses.

"Quite unnecessary," the amateur may retort; "the guess was correct in the first place." Very good: then let us consider another example, starting with the same premises. Again we seek the origin of a Peter Gubbins who appeared as a young adult at Straitsville in 1800; and again we find a Peter, son of John, born at Freetown in 1775. Again we make the same guess; but if we make a thorough search of the Freetown records, we shall discover that this time our guess is wrong. For the Freetown records may as easily (in this second example) reveal the following facts:

The will of John in 1798 gave land to his son Peter, but Peter did not sell it until 1805, when he called himself "Peter Gubbins of Freetown." The description of the land proves the identity of this man with the son of John, and since he was still of Freetown after our Peter settled in Straitsville, he was apparently not the Peter we are seeking to trace. However, our search of the deeds shows that in 1810 Peter Gubbins "of Straitsville" sold all his right to realty in Freetown, reserving the dower interest of Widow Dorothea Gubbins. The birth of this second Peter is not found recorded, but in one of the parishes of Freetown we find the baptism of Peter, son of Thomas Gubbins, in 1778. We find that a Thomas Gubbins died intestate in 1808, administration being granted to his widow Dorothea; her dower was set out to her, but she failed to present for record a distribution to the heirs.

Here the only hypothesis that fits the known facts is that our Peter of Straitsville was the son of Thomas baptized in 1778, and that two years after his father's death he sold his interest in the property inherited from Thomas, reserving the life use which Dorothea held as her dower right. The case is genealogically proved by these records, and our first guess has been proved incorrect.

As will be pointed out in a future article, printed sources, even the best of them, too frequently contain errors. The only reasonably certain sources of information are the contemporary records, which a man made of himself and his family

while he was living, or which were made concerning him by official recorders.

There are several reasons why scientific methods have been unpopular with many genealogical students and writers. First in responsibility is that all-too-human trait of laziness. It is much easier to make a "likely guess" than to collect data with infinite labor and attention to detail, and thereafter expend real thought on the analysis of the data. Second comes the factor of sheer ignorance. Many compilers of family histories quite evidently have no knowledge of the existence of documentary archives, and assume that the only way the early generations of their family *can* be put together is by accepting what little is to be found in print and guessing at connections.

A third and very important factor is that of expense. Many amateur genealogists and compilers cannot afford the cost of thorough research in documentary sources. With this factor, the present writer has an understanding sympathy. Yet it is an old maxim that "whatever is worth doing at all is worth doing well," and one may be entitled to ask whether it never occurs to perpetrators of the worst genealogical atrocities to give consideration to this maxim. And it may be observed that, despite the lack of funds to *compile* a worthwhile genealogy, the compilers nearly always seem able to raise the funds to *publish* their productions.

For the professional genealogist, as for the amateur, there are valid excuses for failure to take advantage of the opportunities for original research. The professional, dependent upon his work for a livelihood, is restricted by the limitations of cost set by his client, and these limitations frequently do not permit as thorough a search as should be made. Errors made by professionals very often are due to the fact that, to keep within authorized limits of expense, they were forced to rely to a greater extent than they desired on printed sources of information. No one is responsible for this situation, for a large number of those who employ the services of genealogists are not people of large wealth.

A final reason for the unpopularity of scientific methods

in genealogy is the romantic temperament of some of those who pursue genealogy as an avocation or a hobby. To people of that type, scientific methods are a bore. It irritates them to be told that a line of descent, innocently accepted from an unmeritorious printed source, is incorrect. They like that ancestral line, and intend to keep it. Denial or question of its accuracy seems to them purely destructive and negative. With people of this temperament, genealogy is not a serious study; it is a mere diversion, and they derive more pleasure from the exercise of their imaginative talent than they could from grubbing for facts. They believe what they want to believe, regardless of facts and are scornful of evidence. Let us concede, without argument, that "genealogists" of this type are entitled to their opinions; just as those who believe that the earth is flat are entitled to that opinion. It is entirely natural that these temperamental enthusiasts should oppose scientific methods, and that with the uninformed their opinions may have weight.

It must be confessed, in view of such chaotic conditions, that genealogy in this country to-day is very far from being an exact science, although the many workers in this field who now employ scientific methods are doing much to make it one.

Appearing in the United States Census of 1830 at the end of the enumeration for the Town of Concord, Saratoga County, New York (Vol. 104 new page No. 19) recorded by the Census enumerator Charles G. Pettit in the space provided for the enumeration of slaves is the following verse:

"I would not have a slave to till my ground
To fan me while I sleep and tremble when
I wake For all the wealth that sinews
Bought and sold have ever earned."

English Research—Corporation Records

By Miss Lilian J. Redstone, B.A., M.B.E.

Scattered over the face of England are small towns, or even villages, which in time past enjoyed a political autonomy as great as that of London and the larger towns, being self-governed and enjoying the status of boroughs. The records of these towns, great and small, are invaluable to the genealogist.

First in importance come the admissions to the "freedom," which may take the form of an enrolment in a court book or roll, or an entry of admission fines paid in the accounts of the borough chamberlain. Many small boroughs are richer in this class of record than London itself, where admission came through the great City Companies, and where the earlier Chamberlain's accounts have been unhappily destroyed. The custom of the boroughs as to admission varied considerably. Happy is the genealogist who finds his ancestor in a town, where hereditary freedoms were frequent, and where the clerk recorded not only the freeman's parentage, but the names of his children, or where apprenticeships were regularly enrolled.

Next come the records of the passing of property within the borough by deed or by will, both of which were enrolled in large numbers by most boroughs. Some of the greater towns, such as London and Bristol, have printed calendars especially of will, such as the Calendar of Wills proved in the Court of Hustings of London; but the deeds are even more numerous, and if calendars exist they are usually in manuscript only.

Borough authorities generally exercised some control over the estates of orphans, and it is not in Bristol and London

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alone that the records of this supervision provide valuable information as to an orphan's parents and kinsfolk.

These three classes of borough record, arising out of the admissions to apprenticeship and freedom, the passing of property and the control of orphans' estates, are of use in outlining the generations of a townsman's family. Other classes fill in the outline with life and colour, telling of the family's trades or professions, the parts they played in local activities, the rise of individuals to the status of Mayor or Member of Parliament, the fall of others to the receipt of poor-relief, family squabbles brought into court, or charitable endowments still gratefully enjoyed by the town.

In these mines of wealth, genuine students are often admitted to dig freely, sometimes under ideal conditions, sometimes amid a bewildering mass of parchments and papers piled up in a cupboard below the town-hall stairs, poked away in an attic of a lawyer's office or kept in the safety—and darkness—of a lockup cell. The proportion of towns which give proper care to their records, and welcome the student, is however daily increasing. In the making of most English pedigrees it is thus worth while to consider whether the neighbourhood includes any town whose records are of the right date, and easy of access.

Mediaeval Humor

A witness to a charter, *circa* 1174, —
"Willelmus spueus mendacium" (William spouter of lies).
Coll. for Hist. of Staffs. (William Salt Soc.) N.S. IX:330.

Contributed by Walter Goodwin Davis of Portland, Maine, *The American Genealogist,* Vol. XXII Page 195.

Tradition and Family History

By Donald Lines Jacobus, M.A., F.A.S.G.

Tradition is a chronic deceiver, and those who put faith in it are self-deceivers. This is not to say that tradition is invariably false. Sometimes a modicum of fact lies almost hidden at its base. The probability of its falsehood increases in geometric ratio as the lineage claimed increases in grandeur.

Every Rogers family has a tradition of descent from John Rogers the Martyr; every Adams family links itself traditionally with the Braintree stem which produced two presidents. There is nothing surprising in this. It is human nature to be vain, and belief in the importance of one's family is merely an extension of personal vanity. We all prefer to hide the skeleton in the closet, and to display the heraldic device which we would fain believe our knightly ancestors sanctified with their blood.

To show how quickly and easily a tradition emerges out of nothing, let us invent a story. During the presidency of the first Adams, a humble Adams family is living in a frontier settlement. The Adams boy is asked by another whether he is related to the great man. The boy is intrigued; if a kinship can be claimed, he will be able to hold his own against the Sheriff's son when boasts of parental importance are made. So he takes the question to old "Granther" Adams, as the most likely to know. The aged man, his own days of activity over, becomes animated when thus appealed to as an authority on the family history. Well, now, he doesn't rightly know, but when he was living as a young blade back in New England, he once met a man named Adams in a tavern, and come to talk things over, they were related somehow, and he had heard it said as how this man he was talking with was con-

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nected with the Braintree Adamses. Come to think of it, there probably was a connection way back. Yes, sir, he wouldn't be surprised if there was.

The elated youngster next day, when exchanging boasts with the Sheriff's son, proudly announces that he is related to President Adams. Way back, of course, but it was the same family. His grandfather told him, and he guessed his grandfather knew what he was talking about.

Twenty-five years later, the Adams youngster is a man of affairs, with boys of his own. The Adams myth, from constant retelling in his own boyhood, has become fixed in his mind as an implacable fact, true as gospel. He could not repeat exactly, if asked to do so, the maundering words of his grandfather, but he was certainly left with a distinct impression that a relationship existed. In all these years, the reality of the claim never has been disproved, probably not even challenged. When he pridefully tells his own boys about the Adams family, he believes he is telling the strict truth. Yes, boys, we belong to the same family as President Adams; I had it straight from my grandfather's own lips.

Thus in a quarter of a century a strong, enduring tradition has completed its miraculous growth. Thus do the tiny seeds of vanity germinate and produce the towering trees of an illustrious Family History.

While our example is entirely fictitious, every experienced genealogist knows of erroneous and thoroughly disproved traditions which must have originated in some such way. Nor are such erroneous traditions restricted to claims of exalted lineage or connections. They may refer merely to the nationality of the immigrant ancestor, or to the original place of residence in this country, or to any other detail of the family history.

Among families whose surnames are of French origin, or are similar to French names, there is likely to be the French Huguenot tradition. Genealogists who realize how many Norman-French names were carried into England with the

Conqueror, do well to view such claims with suspicion until proved. Traditions of Welsh origin of early colonial families are seldom verified.

In one family it was understood that an ancestor was French, came over with Lafayette and served under him in the Revolutionary War. But this ancestor's birth and death records were actually found in his father's family Bible, and the ancestry in this country went back to 1644; he did serve in the Revolution and his son married a woman whose ancestry was originally French. There had been here some mingling of traditions from different sides of the family.

It was supposed in another family that the first known male line ancestor (born 1767) came from Martha's Vineyard. Investigation revealed not a single occurrence of the surname in the vital records of the Vineyard prior to 1850. The ancestry was eventually located elsewhere. But this ancestor married a girl who was born on Martha's Vineyard. Here the tradition was correct except that it had become associated with the wrong ancestral line.

We all recognize the fallibility of tradition when the traditions of some other person's family are questioned. When our own are at stake, it is a different matter. Our grandmother had a marvelous memory, and we *know* that every word she told us was gospel truth. After all, she was *our* grandmother, and it is asking a great deal to suggest that we give up one detail of her cherished memoirs.

The present writer had a great-uncle who took an interest in the family history, and my mother wrote down his account. He started with his great-grandfather, who was one of three brothers who came over. Actually, he *was* one of three brothers, but they were of the fourth generation in America. Did my great-uncle merely assume that the first ancestor he knew about was the original settler, or did my mother misunderstand him? They both possessed good minds for details, yet this much of error crept into the account.

Just why so many traditions center around three brothers

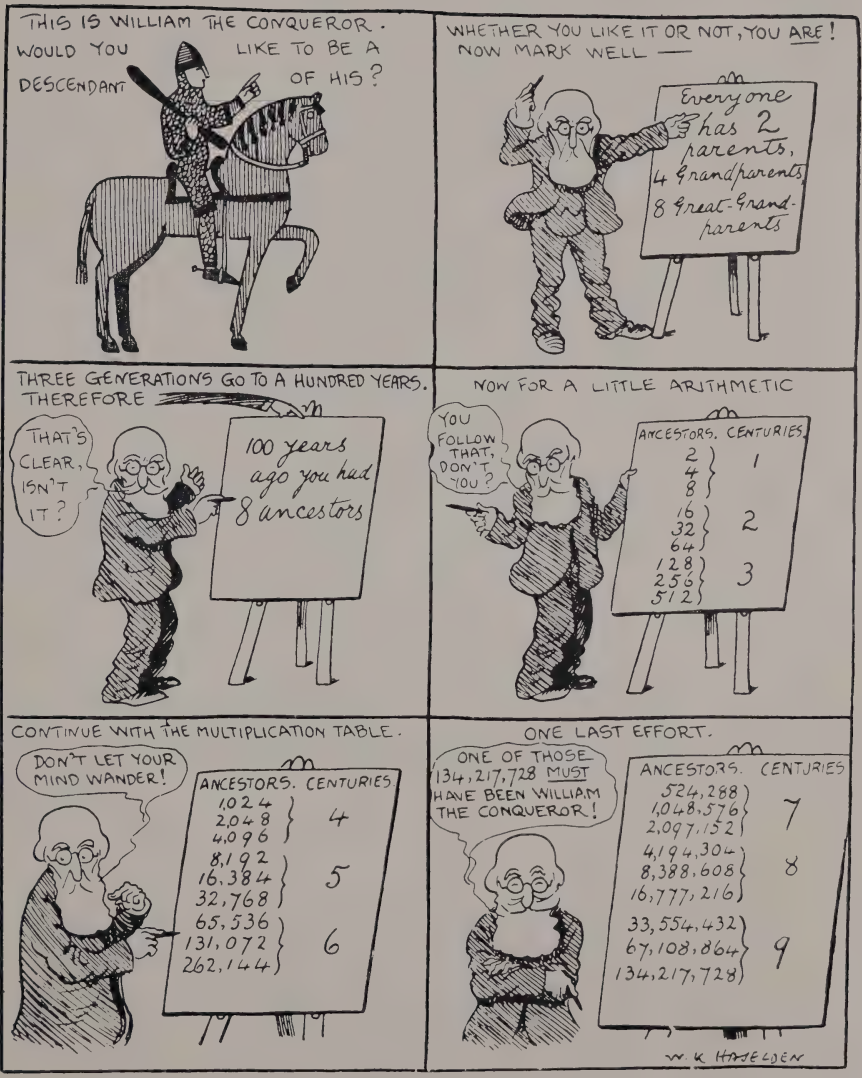
who came over, is a problem that has never been solved. Brothers often did come to America, but there were instances of two brothers, and even of four and five as well as of three.

The dear old aunt of the writer was born a Wilmot, and firmly believed in the high, even titled, connections of the family. She had, indeed, a detailed account which on slight provocation she could be induced to relate. We were of the same blood as the notorious John Wilmot, Earl of Rochester. Parenthetically, it should be explained that the old lady did not know of Rochester's reputation for profligacy, and the writer never enlightened her. The last descendant of Rochester, according to her story, had died leaving a large property, including an entire square in London. The nearest heir was a maiden lady named Wilmot who had come to this country from England and lived in the same city with my aunt's brother. She died before taking possession of the property. My uncle had met her and discussed the family history with her, and they were agreed that our branch of Wilmot's were "next in line."

In vain did I protest that the Earl of Rochester's only son died a minor, and that the title died with him, while the family estates descended to the daughters who carried them by marriage into other families. She merely set her lips in a firm line and said, "Well, I'm not lying about it; I guess I know what I know."

Of course she was not lying. Just how this story originated can only be surmised. Quite likely the Wilmot lady from England was deluded by an "inheritance mania" and imagined much of what she told to my relatives; and it is not impossible that my aunt in part misunderstood or misinterpreted the story.

Again, on the writer's paternal side there was a story of a lost inheritance. My grandfather, early in life, joined an association of Anneke Jans heirs, as he understood that his Doremus grandmother was a descendant. The marriage certificate of his parents was turned over to the association's lawyer, and never recovered, and it was believed that the



. . . . But *Assuming* is Not *Proving*. (Ed.)

This cartoon first appeared in The Daily Mirror, London, and was subsequently reproduced in The Genealogists' Magazine, Volume 3, Page 33, June 1927.

lawyer "sold out" to the opposing interests. This was the story as it came to me from my grandfather's lips. But so far as my own investigations have gone, I have failed to find a scrap of evidence to prove that my Doremus ancestress descended from Anneke Jans at all. Perhaps she did, but it is very doubtful, and until and unless record proof is forthcoming, I shall not claim the line.

It is natural for people to feel that a special sanctity inheres in the traditions of their own family. To doubt them is to doubt the veracity of their parents and grandparents. The genealogist should therefore be gentle and tactful when his investigations run counter to the cherished traditions. Those who employ genealogists, on the other hand, should realize that their genealogist gets no pleasure out of destroying their traditions. He is employed to ascertain the truth, and it is his duty to report what the records reveal.

Although few traditions prove to be true in every particular, the genealogist should not, with a superior air, dismiss a tradition as unworthy of consideration. Occasionally a traditional statement is found to be very close to the truth. The majority of them contain some element of truth, however misapplied or encircled with error. Therefore, traditions should be sifted and tested, and utilized as clues, but not accepted as true until verified from contemporary documentary sources.

Deeds Enrolled

By Lilian J. Redstone, B.A., M.B.E.

The Court Rolls of a manor are chiefly useful in identifying persons through any copyhold lands, which they inherited or sold. Settlements or sales of freehold lands were effected in England for six or seven hundred years by means of the "final concord," which was a fictitious conclusion to a fictitious lawsuit. The records of these final concords are well-known to genealogists as "Feet of Fines"; for the cross-piece, or "foot," of the three-fold indenture, which recorded a final concord, was retained in the Court of Common Pleas, and can still be examined at the Public Record Office. Contemporary manuscript calendars facilitate search in the Feet of Fines from the reign of Henry VII onwards. The Final Concord during the emigration period was supplemented by further fictitious legal proceedings in the form of a "Common Recovery." The Recovery was enrolled in the Court of Common Pleas, and rough contemporary calendars facilitate research among these records also.

Fines and Recoveries, however, give but a formal and tantalizing glimpse of the parties, and the lawyers who drew them made use of explanatory deeds, which throw far more light upon the people concerned in the transaction, and upon the lands with which they were dealing. In fact, if all explanatory deeds were accessible, fines and recoveries would only be used by genealogists as a means of approach to the deeds. It is an unfortunate fact that the parties to the deeds were generally content to retain their own counterparts (which, if they have not perished, are now in private hands), without registering the deed in any public court, as they did the fine and recovery. Some deeds, however, were enrolled, and these suffice to make the searcher regret those motives, prob-

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ably of economy, which prevented the enrolment of a larger number.

The records centralized at the Public Record Office include three series of such enrolments. The most important are those which were enrolled in Chancery upon the Close Rolls and for these there is a double set of alphabetical calendars, the one showing names of grantees, and the other names of grantors. Next in importance come the deeds which were enrolled in the Court of Common Pleas, a practice which had begun in the fourteenth century, if not before. For these there is a useful calendar arranged topographically. A far smaller number of deeds was enrolled in the Court of King's Bench.

Local enrolments of deeds can also be of great use, when once the field of search has been limited. The City of London provided for the enrolment in its Court of Husting of all deeds relating to London tenements; and even for the sixteenth and seventeenth centuries these deeds in the Court of Husting can be very useful, although they are not nearly so numerous as in the thirteenth century, when enrolment was compulsory. Other boroughs followed suit; so that the family which for generations owned a house in some borough, such as Ipswich or Bristol, may be traced by the deeds recorded in the borough courts. Even the small manor court was sometimes used for such enrolments.

Registration Offices for the deeds relating to larger districts are rare in England, although some do exist, for example at Northallerton in Yorkshire. Others existed in fact, though not in name. The little borough of Bridport in Dorset, for instance, became for some time a place of safe deposit for deeds relating to neighbouring lands. The local Courts of Quarter Sessions also served in this capacity. When an enlightened generation has sorted and calendared the records of these Quarter Sessions, which lie in varying degrees of confusion up and down the land, the deeds and bonds which they include will become not the least of many records valuable to the genealogists.

Royal Ancestry

By Donald Lines Jacobus, M.A., F.A.S. G.

Many Americans find it amusing to trace a line of their ancestry abroad, working it back through county families into the knighthood, the peerage and the mediaeval royal houses. The difficulties in the way of working out such a line and of proving it by valid evidence are tremendous.

In view of the appalling number of ancestors we all possess when we go back thirty generations or a thousand years, it seems not unlikely that most persons of European descent have one or more lines of descent from early sovereign houses; but for every line of this sort, they must possess thousands of lines from the freemen and serfs who were contemporary with Charlemagne. This is as true of living members of royal families as it is of commoners. For strains of plebian blood have worked their way into ruling houses about as rapidly as strains of royal blood have worked their way into plebian families. It does not seem to be generally known that one-half of the blood of the children of Humbert II, ex-king of Italy is that of Montenegrin commoners; that one grandmother of Victoria Ena, the ex-queen of Spain was a German commoner; or that one grandmother of Queen Mary, grandmother of Elizabeth II, was likewise a German commoner.

It is of course impossible to trace an ancestral line for a thousand years unless we do connect with royalty or the baronage, because in the earlier centuries no genealogical records were kept for the common people. And it may have a certain cultural value to link ourselves with outstanding characters of history, and to feel that we are "the heirs of all the ages."

Unfortunately, as soon as most Americans delve into

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books that deal with the English gentry and peerage, their critical faculties seem to desert them entirely. Mr. G. Andrews Moriarty, in an article in *The New England Historical and Genealogical Register* a few years ago,* estimated that not one in twenty royal lines claimed by Americans has been proved by satisfactory evidence, and the present writer heartily concurs with this estimate.

It does not seem to be realized that lines of ancestry in England, like those in this country, can only be proved adequately by reference to contemporary sources, or to the published works of those who have made the requisite study of such original sources. The earlier peerage books, such as those of Collins, Burke, and Playfair, are not safe to follow for mediaeval pedigrees. Many families recently raised to the peerage did not wish to be thought *parvenus*, and sometimes furnished the peerage writers with early ancestral lines that had little or no basis in fact. While the editors of Burke's *Peerage* make corrections from time to time as errors are demonstrated, much of the erroneous matter incorporated in the book by earlier editors has been carried annually from edition to edition.

The general reference works which are usually to be relied on are *The Complete Peerage,* by G. E. Cockayne; the new *Complete Peerage* begun under the editorship of Gibbs and not yet completed; articles in *The Genealogist,* an English periodical; the books of J. Horace Round, a noted mediaevalist; *The Dictionary of National Biography;* and Farrer's *Honors and Knight's Fees.* These are all modern compilations based on considerable research in original sources.† In addition, many record sources are available in print. It need scarcely be added, that a large amount of experience and special

*Vol. 79, p. 258.

†*Dugdale's Baronage* and *Monasticon* remain important reference works, although published about 250 years ago; and Sir William Dugdale, their author, deserves a tribute for possessing the critical point of view and employing the research methods of modern scholars. His *Baronage of England,* published in 1675, is the best work of its kind published before the new *Complete Peerage,* the most recent work in this field, and is particularly useful because of the inclusion of younger children and of the early baronies by tenure.

knowledge is essential before any genealogist can become proficient in handling these English sources.

American sources for royal ancestry are very near worthless, or have been so up to the moment of writing.‡ The most elaborate work of a general nature is *Your Family Tree*, by David Starr Jordan, Ph.D., LL.D., and Sarah Louise Kimball (D. Appleton and Company, New York, 1929), which, while professing to be "a glance at scientific aspects of genealogy," illustrates how far a man of eminence in one branch of knowledge may stray from scientific methods when he attempts work in another branch for which study and training have not prepared him.

We should hesitate to speak in such uncompromising terms of a publication were it not for the fact that already it has become the "royal ancestry bible" of hundreds of people, as witness frequent references to it in the genealogical columns of the *Boston Evening Transcript*, and the reprinting of pedigrees contained in it in later books.* Among the authorities listed at the end of *Your Family Tree* are the *Abridged Compendium of American Genealogy*; Burke's *Commoners, Peerage, and Royal Families; Genealogical and Family History of New Hampshire;* O'Hart's *Irish Pedigrees;* Browning's *Magna Charta Barons;* Anderson's *Royal Genealogies;* and Visitation pedigrees (not described more specifically).

The sources which should have been used in work of this type apparently were unknown to the compilers, since they failed to utilize them. It is unnecessary to comment on the sources actually used, except to say that some of them are satisfactory to use for clues, provided the information found in them be verified later from primary record sources or more generally reliable compilations. The Visitation pedigrees mentioned are presumably those published by the Harleian So-

‡We have not seen the latest edition of Browning's *Americans of Royal Decent*, which we understand has been published under new editorship, but our observation applies to the earlier editions.

*As for example in *Some Descendants of Stephen Lincoln*, printed for William Ensign Lincoln, New York, 1930, p. 316.

ciety, and these are extremely useful for clues. However, a word of caution will not be amiss.

Not only are the Harleian pedigrees based on the rough notes of the Heralds making the Visitation, but even the finished products in the College, are unreliable. The Elizabethan heralds not infrequently forged pedigrees for Tudor upstarts, and when honest had little critical faculty and, if they found a lot of charters in a man's muniment chest, they strung them together hit or miss into a pedigree. Hence, the Visitation pedigrees often omit or interpolate generations. Generally speaking, a Visitation pedigree may be accepted as far as the great-grandfather of the man who entered it. Beyond that, these pedigrees are useful, but as guides only, for further research in original sources.

The only source used for the earlier generations of the royal houses appears to have been Anderson's *Royal Genealogies,* published two hundred years ago, before scarcely any critical research had been made in contemporary source material for the true history of the early periods. On page 23, for example, we find a pedigree of kings of Scythia and Ireland, beginning with Baoth who received Scythia as his lot upon the division by Japhet, son of Noah. Is it really necessary to point out that there is no documentation whatever for these legendary or fictional kings "beginning with Baoth" and for many centuries thereafter?

On page 43 the kings of Scotland are traced back to an alleged monarch who reigned in Ireland in the fourth century B.C. On page 53 the Anglo-Saxon rulers are traced back to Noe [Noah] through Woden [Saxon equivalent of the Norse God, Odin]. The curious juxtaposition of a Bible character with a Saxon god should have indicated the fabricated nature of this pedigree; the line is certain back to Egbert, who was believed to be a descendant of Cerdic, but his exact line of descent from Cerdic is not certain. From Cerdic back to the god Woden, the line may be viewed as partly traditional and partly mythological; back of Woden, it is fictitious.

On page 61 appears the most curious pedigree of all. In it

Charlemagne is traced through St. Arnolph, his undoubted ancestor, to Pharamond, who was an actual early ruler of the Franks but not a proved ancestor of St. Arnolph; and the wife of Pharamond is then described as a granddaughter of Coilus ["Old King Cole"] of Britain, alleged to have died 170 A.D., who is described as grandson of Arviragus by his wife Genissa, daughter of the Roman Emperor Claudius, whose descent is asserted through Mark Antony and the Julian *gens* from old Aeneas himself, a supposed contemporary of the Trojan war.

Credulity could go no further; yet this same pedigree, in abbreviated form, was actually accepted and printed in the *Abridged Compendium of American Genealogy,* volume 2, page 370. Dr. Arthur L. Keith, reviewing the first three volumes of the *Abridged Compendium* in the *Mississippi Valley Historical Review* (vol. 16, pp. 399-402), refers to the inclusion of this pedigree in the following terms: "This is mythology, not genealogy. . . . If it is seriously meant, it condemns the work as a piece of colossal ignorance and audacity."

For the statement that Arviragus of Britain married a daughter of Emperor Claudius, *Your Family Tree* specifically refers to Anderson's *Royal Genealogies,* tables 120, 121, and 122. These tables are concerned with the families of Julius Caesar and Mark Antony, but Claudius is there credited with no such daughter. These particular tables are based on Roman historians, who are the proper sources for the genealogy of the early emperors. However, in table 478 are found the early legendary kings of Britain. In the pedigree itself Anderson fails to mention any wife for Arviragus; but above the pedigree he states that Arviragus was "affirm'd by Humphrey Lhuyd to have oppos'd the Emperor Claudius until a Marriage was concluded between him and Genissa Daughter of Claudius: but Sueton in his Life of Caligula mentions no such Daughter, and Juvenal evinces that Arviragus liv'd in the Days of Domitian, the 7th in Succession from Claudius."

In other words, Anderson showed his scholarship by quoting the Roman writers, and his good judgment by omit-

ting this apocryphal daughter of Claudius from the pedigrees; but it was his method to show that he had not overlooked anything in print, hence his mention of the daughter of Claudius on the weak authority of Humphrey Lhuyd. In his introductory passages preceding many of the fabulous pedigrees, Anderson frequently stated plainly his own opinion that they were fabulous. Apparently the authors of *Your Family Tree* either did not take the trouble to read these passages, or else cynically disregarded them and quoted Anderson as authority for pedigrees which he himself, though printing them, had repudiated.

In criticizing a single book when there are others equally deserving of unfavorable comment, we have chosen it as the outstanding and most frequently quoted book of its type. For the benefit of those whose historical reading is insufficient to enable them to dismiss fabulous pedigrees at a glance, we will say that no documents have come down to us from the period of English history preceding the Saxon monarchies. What little knowledge we have of early tribal chiefs of the Britons comes to us from casual mention by Roman writers, by Gildas and Bede, and in the Anglo-Saxon Chronicle. The picture we get from these sources is clouded and lacking in those details that are essential to a connected genealogy. We get no connected history or genealogy of the early rulers of Britain until many centuries after that epoch, and all historians are agreed that Geoffrey of Monmouth's account, while he may have made use of legendary material, is mainly romance and not history.

Families of English descent cannot be traced back of Domesday book (1086) except royal lines and a few of the more prominent Norman families. Two families, the Ardens of Warwickshire, and the Berkeleys, have *proved* descents from Saxons living at the time of the Conquest. Practically all European lines break off between 600 and 800 A.D., and the further back we go, the more shadowy is the evidence for the line claimed. Back of 600, it is useless to attempt to go,

because no documentary evidence sufficient to establish a pedigree has reached us from the darkest period of the "Dark Ages." The earliest generations of the royal houses, as found in many printed sources, are usually derived from chroniclers who wrote centuries later, and these early generations may be characterized as uncertain, traditional, or fictitious, as the case may be.

Most of us would feel some incredulity if told that a four-legged chicken was hatched in the yard next door to us; but it becomes quite credible when we read that it saw the light in a remote village of Spain. Similarly, if a man claims to be our first or second cousin, we want full particulars of the relationship; but many people seem willing to accept, without the slightest evidence, any claim of relationship provided only that it is a few centuries old. But in truth, the same standards of evidence hold good for each generation of a pedigree, whether in 1800, in 1600, or in 1000 A.D.

Benefit of Clergy

By Henry Winthrop Hardin, Esq.

Among the Court records of the New Hampshire Colony is a criminal information charging one Benjamin Roberts with manslaughter in having struck his wife May 19, 1759, on the head with a stone weighing 18 ounces and so inflicting a wound from which she died four days later. The only further record in the case is the bill of costs of the Crown against the defendant including an item of 22 shillings and 6 pence for branding-iron. This indicates that he was found guilty of the charge, but that instead of being executed or imprisoned was branded, probably on the brawn of the left thumb, and then set free. It was an amelioration of the rigor of the criminal law introduced and for some centuries practiced in England as an incident to what is known to lawyers as the doctrine of benefit of clergy, a doctrine which became part of the law of the English colonies.

Benefit of Clergy was a by-product of the conflict between the Church and the secular authorities during the Middle Ages. The Popes sought to withdraw the clergy altogether from secular control. They claimed to rule by divine right to which all princes must submit. They rested this claim to immunity from the secular authority on the words of the scripture: *Nolite tangere meos Christos,* touch not my annointed, do no harm to my prophets, words which had no particular reference to the priesthood. On the Continent the pretentions of the Popes were freely complied with, either as a pious act or in dread of the future pains to result from excommunication. In England they met with some resistance. In cases of high treason, that is, treason to the King or his immediate family, they were always resisted. From time to time certain other

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crimes were excepted from benefit of clergy. One of the first of these was horse-stealing, by statute of Edward VI.

Before the Norman Conquest and for several centuries thereafter the clergy took an active part in the legislative and judicial branches of the government. By far the largest part of the educated class belonged to that profession. Bishops attended courts of law and instructed the judges as to the limits of the canonical and secular jurisdictions. There was always a controversy about this and when in the reign of Henry III the King sought to bring churchmen into the secular courts for trial and punishment Boniface, successor to Thomas a' Becket as archbishop of Canterbury, ordered churchmen to ignore the King's summons and pronounced excommunication against all persons violating the canonical law while enforcing secular process. Thus the King's effort to recover jurisdiction over clerics failed.

In the *Merchant and Friar*, Sir Francis Palgrave gives this picture of a trial. A thief had been apprehended in Chepe in the very act of cutting the purse of a vicar-general and was condemned to be hanged. Louder and louder became the cries of the culprit as the sergeants dragged him away. He clung to the pillar dividing the portal and shrieked in a voice of agony: "I demand of Holy Church the benefit of my clergy." The thief was replaced at the bar and the vicar asked leave to try the claim in the absence of the ordinary, that is the bishop. Producing his breviary he held it open before the eyes of the kneeling prisoner and inclined his ear. The bloodless lips of the prisoner quivered. *"Legit ut clericus,"* he reads like a churchman, said the vicar and the culprit was turned over to him for purgation.

This was not a difficult matter, for before the ordinary in the Church Court he was required to plead not guilty, even though he had pleaded guilty in the secular court, and to produce compurgators, originally 12 men but at times only 4 or 5, who stated that they believed the prisoner's oath. No witnesses were heard against the prisoner and the jury of church-

men usually brought in a verdict of acquittal. The prisoner was thus purged of the charge and set free.

At the outset only churchmen were so treated. But as learning spread there were laymen who could read. The same course was pursued with them, for the Church reasoned that though the lay cleric had not taken orders he might do so in the future and so become useful to the church. It was thus no longer necessary to appear with tonsure and clerical garb to secure the benefit of clergy. The literate thus escaped the severe penalties of the law. Until comparatively recent times some two hundred crimes were punishable by death in England, among which was the theft of property of value exceeding 12 pence, and it is said that during the reign of Henry VIII convicts were hanged at the rate of 2,000 a year.

Of course women had no benefit of clergy, for they were not and could not become priests. Heretics also were excluded, Turks and Jews. Dumb persons could not make the claim. The blind could not read, but if they could talk Latin "congruously" they were admitted to the benefit.

This convenient means of escaping the gallows led of course to abuses. The text commonly selected as a test of the capacity to read, the so-called neck-verse, to save the prisoner's neck from the gallows, was the first verse of the 51st psalm beginning *Miserere mei deus,* Lord have pity on me. The prisoner might be coached in this while awaiting trial and though unable to read repeat it by rote. With the connivance of the jailor he might be taught to read before the trial. A case of this kind is recorded as early as 1383. And finally the ordinary or his substitute might falsely report to the judge that the prisoner could read. A case of this kind is found in 1666.

Neck-verse of course got into literature. In the *History of King Lear*:

> Madam, I hope your grace will stand
> Between me and my neck-verse if I be
> Called in question for opening the King's letter.

The British Appollo of 1710 has this:

If the clerk had been taken
For stealing of bacon,
For burglary, murder or rape,
If he could but rehearse
(Well prompt) his neck-verse,
He never could fail to escape.

Capital crimes committed by literate persons thus ceased to be punished, except by forfeiture of goods to the King on conviction, and a convicted felon having once escaped by pleading his clergy was little deterred from committing another crime. Accordingly it was enacted in 1487 that laics should have the benefit of clergy but once and that if not peers they should on conviction in the secular court be burned in the hand, or for a short period during the reign of William III on the left cheek near the nose. Usually the brand was a capital letter M or T. The T was called the tyburn T. It is said to stand for theft in its various forms and M for manslaughter. In New England A was used for the new crime of adultery, and H for horse-stealing. The branding served to put the prosecution on notice in a subsequent case that the accused had once had the benefit of clergy and so had exhausted the privilege. By statute of Elizabeth the ecclesiastical purgation was abolished and the judge authorized to detain a convict in prison for not over a year. By statute of George I the judge had discretion instead of branding the convict to direct that he be transported to the colonies for seven years. Benefit of clergy was abolished in the case of commoners in 1829 and in the case of peers in 1841. It was abolished in the Federal courts in capital cases by Act of Congress in 1790, but as late as 1830 it was held in a Federal court that clergy was a good plea after conviction of bigamy and that branding might be dispensed with in the discretion of the Court.

One of the most distinguished Englishmen known to have been accorded benefit of clergy was "rare" Ben Jonson. In

October 1598 he was arraigned in the Old Bailey on a charge of manslaughter in having run his rapier through the body of his antagonist in a duel. He pleaded guilty, asked for the book, read like a clerk, was branded and discharged.

The last of the minor infamous punishments, whipping, branding, the stocks, the pillory, cutting off ears, slitting noses, boring tongues, the iron collar, etc., were abolished in Massachusetts by 1813. In 1765 a man taken up in New Jersey had about his neck an iron collar with two prongs in it. He said "the reason of the collar being about his neck was that he was caught in bed with a married woman in New England and was judged by two justices to wear the same or else be branded on the forehead."

The *Law Times* of London reprinted from the *American Law Review* an article stating that "James Otis successfully urged the exemption of benefit of clergy in favor of the Massachusetts soldiers convicted of manslaughter for their participation in the Boston Massacre." This is a curious inaccuracy, for at the time of the Boston Massacre, as John Adams states in his diary, James Otis was already "past further service." No Massachusetts soldiers were engaged in the fracas, but only a mob of forty or fifty of the "lower order of the town's people" who attacked at night with sticks and stones a single British sentry and the corporal's guard of six soldiers who came to his rescue. The soldiers fired on the mob and killed five persons. They were indicted and John Adams, then the leading lawyer in Boston undertook their defense. Two of them were found guilty of manslaughter, pleaded benefit of clergy, were branded and discharged.

Probate Law and Custom

By Donald Lines Jacobus, M.A., F.A.S.G.

Aside from the vital records kept in early days by the towns and churches, no source of information is so important genealogically as the probate records; and even the vital statistics cannot as a rule be distributed correctly into family groups without the aid of the probate entries. When a man's will named each child specifically, as well as his wife, we know that we have a family group proved by sound legal evidence, and the same is true in intestate estates when the Court ordered the estate distributed to the widow and children.

An estate, in legal parlance, is testate when there is a will, and intestate when there is not. A will has to receive the approval of the Court, and if not approved, the estate becomes intestate. It is customary for the will to name one or more Executors to carry out its provisions; when not named, or if the Executor named died before the testator (maker of the will), the Court appoints an Administrator "cum testamento annexo" (with the will annexed). In intestate estates, the Court appoints an Administrator, whose duties are similar to those of the Executor in testate estates, except that there being no will, the estate will have to be distributed in accordance with the laws of inheritance of the time and place.

A nuncupative will is one which is expressed by word of mouth in the presence of witnesses, instead of being committed to writing. In former days, wills of this type were more common than to-day, and Courts often admitted the wills, not only of soldiers and sailors before going into action, but those of any person who thus expressed his will orally in expectation of dying soon.

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Differing according to the time and place, either two or three witnesses were required for the making of a valid will whether written or oral. These witnesses, when the Executor presented the will in Court, were required to acknowledge their signatures and to express their belief that the testator was of sound mind when he signed the will or expressed it orally in their presence. Sometimes a young woman witness had married in the interval between the making and proving of the will, and proof of her marriage is thus afforded by the records of an estate in which she had no personal interest.

In the early days in some parts of the country, wills were proved by witnesses before a Magistrate in the town where they and the testator lived, and the Magistrate then certified their acknowledgment to the Probate Court. This was a matter of convenience, since the Probate District often covered an entire county or at least several towns. In such cases, the acknowledgment of the witnesses may be dated several days before the will was presented for probate. The important dates to note are that on which the will was made (specified in the will itself), that on which the witnesses made acknowledgment, and that on which the will was presented in Court. Of these three dates, the testator certainly died between the first and the last, and thus the date of his death is often fixed within a period of a week or a month if he died soon after the will was made. The acknowledgment of the witnesses, when made after the testator's death, often enables us to fix the date of death within an even more narrow limit.

But it later became the practice (and in some sections may have been the practice quite early) to have the witnesses make their acknowledgment before a notary or other qualified officer at the time the will was signed. Amateurs when making rapid notes of an estate sometimes discover that they have taken down the same date for the making of the will and its probation (proving). This is because for the second date they have noted the date on which the witnesses acknowledged their signatures, in one of the instances where this was done

the day the will was made. The genealogist should be careful to watch for this, and where the dates are identical, to make sure that they have found the date on which the will was approved by the Court. When using a record volume in which wills and probate proceedings were entered, it may be found that the probate clerk entered first the will and acknowledgment of witnesses and last of all the probation of the will with the date of the Court; on the other hand, he may have entered at the head or in the middle of a page the words "At a Court of Probate held in XYZ the second Tuesday in March 1723/4" and then entered records for several pages pertaining to several estates which came before that Court hearing. In the latter case, it is necessary to look back carefully through several pages until the date is found.

In New York State, the Surrogate's Court corresponds roughly to the Probate Court of other sections.

It was customary in intestate estates for a relative of the deceased to petition the Court for administration. In some sections, a written petition, naming all who had an interest in the estate, was required, but in most sections of the country, this was not required at a very early date. When such a petition is found, it is extremely valuable, for it usually states the names and places of residence of the heirs, and specifies how they were related to the deceased.

If an estate proved to be insolvent, then, unless there was a will or a petition naming the heirs, the records of the estate are very disappointing to the genealogist. The widow was allowed her dower (or third) and the rest of the estate went to the creditors.

In quite early days, it was customary, when a girl married, for the father to give her part of her "portion," usually in movables, so as to help her set up housekeeping. The bridegroom's father might aid by conveying land to his son on which to build a house. Because of these customs, the inventories of estates in early days do not give us a fair idea of the actual wealth of many decedents, since the property inventoried was merely what was left after providing at least

partially for several children. When a child had received its full portion during the father's lifetime, his will may fail to make any mention of that child. This is particularly true when the will was nuncupative or written hastily when the man was dying. As it was the custom to keep an account book in which the value of property "advanced" to each child was carefully entered, the Executor of the estate, if a child omitted from the will made a claim, could produce the dead man's own account book in Court to prove that that child was entitled to nothing further.

In intestate estates, the Court gave an order for distribution, after hearing the testimony of heirs and examining deeds and account books. Sometimes the Court order specifies that John, the eldest son, has received his full portion, that Joseph has received £10 towards his portion, and so on, and directs what amount each child is to receive. The distribution made by the Administrator carries out the order, but shows just what property was "set out" to each child. Where some of the children had received their full portions during the lifetime of the deceased, the Court order may make reference to this fact, while the distribution may omit any mention of them. Hence, the genealogist who uses only the files may be misled by the distribution into believing that there were no other surviving children than those named therein while an examination of the Court order in the record volumes would prove the contrary.

In New England the general rule of distribution was for the widow to receive as her "dower" the use of one-third of the realty for life, and one-third of the movables absolutely. The children received two-thirds of the movables and realty as well as an interest in the one-third of the realty which was subject to the widow's dower. Where there were no children, a man's brothers and sisters usually came in for the two-thirds interest. If a will gave a wife less than the dower allowed her by law, she had a good legal claim to refuse the legacy given her by will and to demand her legal dower.

It was a somewhat general practice in the very early

colonial period for sons to receive their portions in realty and for daughters to receive theirs in movables. The eldest son by English law received the landed estate; but in this country land was so plentiful at first that it was not considered good public policy in the development of an unsettled region to entail estates for the benefit of the eldest son. In New England he received a double portion in consideration of his "birthright." Therefore, when the genealogist finds in a deed that Samuel Smith conveyed a one-seventh interest in the estate of his father John Smith deceased, he may conclude that John Smith left six surviving children, each of whom received one-seventh except the eldest son who received two-sevenths.

It is usually easier to trace male lines than female, as the surname did not change. Daughters may have been unmarried when the father's will was made, or even if married, the will and distribution may fail to specify anything but their Christian names. When a will states that "my daughters Mary and Martha shall have five shillings apiece, which with what they have received heretofore shall be their entire portion out of my estate," and that "my daughter Grace shall have £30 to make her equal with her sisters," the genealogist may assume that Mary and Martha were married before the will was made and had received their portions at marriage, and that Grace was an unmarried daughter.

While a wife who was the mother of the children could claim her legal "thirds," an exception should be noted when a widower married a widow above child-bearing age. It was customary in such cases, since the widower wanted his estate to go to his children, and the widow wanted her movables to go to her own, to draw up "articles," an antenuptial agreement specifying what each party reserved. It might be that the elderly bridegroom allowed the widow £10 and a cow out of his estate at his death, in return for the use of such movables as she brought into his house, and that she reserved the movables to herself and her heirs if she survived the second husband, or to her children if she died before him. Such second

marriages were almost an economic necessity to our ancestors who lived under primitive conditions, and it was quite usual for agreements to be made prior to the second marriage, to protect the interest of the children of the contracting parties. These agreements were binding in law, and precluded the claim to legal dower. Sometimes they were recorded at the time, or in the probate records after the second husband had died. Again, they were merely referred to in the will without ever being recorded. The writer has seen one will which does not even make mention of the testator's wife, yet there is other evidence to show that he had married a widow who survived him. She was doubtless provided for by one of these antenuptial agreements, which in this case was not recorded or referred to in the public records.

Early wills often named more than one Executor, and quite frequently a man named a relative of his own and a relative of his wife to serve together. This was done to safeguard the interests of everybody concerned. In addition to Executors, two or three Overseers were also named in many early wills or were appointed by the Courts. Their duty was advisory, and often they were prominent men of the community, though occasionally they were related to the testator or to his wife.

It is well to examine the bond of the Executor or Administrator, because the law required that one or more persons should endorse the bond as sureties. These bondsmen, since there were no professional bonding houses until a late period, were most often relatives of the decedent; if a man's wife was Executrix, very often *her* relatives signed her bond. Thus, when the identity of a man's wife is unknown, the bond sometimes affords a clue. This should be sought in the files, because in most probate districts the record volumes only specify that the bond was accepted without a copy being entered; and the names of the bondsmen are not always stated in the record of acceptance. The originals are also useful because of the autographs of the Executors and bondsmen.

Guardians were appointed by the Court for children under fourteen years of age; at fourteen or over, the child was allowed to choose his own guardian, subject to the approval of the Court. Hence, if a guardian was *appointed*, it is usually safe to assume that the child was under fourteen. If the record reads that James Johnson was *allowed* guardian to Jane Robinson, the inference is that she chose him and hence was over fourteen. Although as a rule children chose their guardians when they reached fourteen or a little over, it is never safe to assume this unless the record states the age, for circumstances not known to us may have deferred the choice of guardian until the child was fifteen, sixteen, or even twenty.

Considerable study and knowledge of English law of the earlier centuries is needed to arrive at correct deductions when unusual probate cases are found. At the death of a young unmarried man named Farnes, the Court granted the estate to his paternal uncle, to the exclusion of his sister of the half blood. Why? Well, we may suspect that the matter of "public policy" entered into the decision, for the uncle was an incompetent who might become a town charge, while the half-sister lived outside the jurisdiction of the Court. But the legal point made was that the property came from the paternal side, while the half-sister was related only through the mother.

The amateur should not feel too secure in the deductions he makes from probate records until his personal research is sufficiently extensive to provide many examples of the various types of legal procedure, as well as an occasional exception to the more familiar types. Differences in law and methods of procedure are to be found in different colonies, and although most of the information given in this paper applies pretty generally, and I did not wish to confuse the reader by noting too many exceptions, the practicing genealogist will know offhand of a few exceptions, and the amateur will have to watch for differences or exceptions in the specific locality where he is working.

Genealogical Research in Session Laws and Statutes

By Noel C. Stevenson, F.A.S.G.

A number of years ago, a dealer in London sent me a shipment of books. Apparently due to a paper shortage there, the books were packed in a number of stray pages of a book containing acts of Parliament. While looking over one of these pages, an Act of 1672 was observed providing for the "Protection of William Dick, grandchild and appearand aire [*sic*] to Sir William Dick."

This brief title of the Act is illustrative of the wealth of genealogical facts contained in Session Laws and Statutes of the various legislative bodies of any state or nation. In this article it will be necessary to confine our analysis of these sources to the United States. It is obvious, however, that a study of the laws of other countries would produce results similar to those disclosed here.

Session laws are the laws passed at successive legislative sessions of the various states. Statutes at Large are statutes in full or at length as originally enacted as distinguished from abridgments, compilations, and revisions. If you could use the Session Laws exclusively, instead of the Statutes, you would be certain to have access to every law passed. One thing is certain, a person usually settles for what is available. Furthermore, don't use revised or compiled statutes if you can avoid it, as all of the private acts and genealogical facts probably will be omitted. You should be safe using the statutes at large as they are supposed to contain all of the laws enacted whether private or public.

There are a few fine examples of compiled statutes available for the use of the genealogist and historian, such as Hening's *Statutes at Large of Virginia,* Smith's, Index to

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the Names mentioned in Litell's *Laws of Kentucky*, and similar material available for other colonies or states. What we haven't found, though, is a systematic explanation of how to use and where to find the session laws and statutes that haven't been reprinted and indexed like Litell and Hening, and which are buried in the local law libraries. Unfortunately, there are only a few Hening's and Litell's and their counterparts, whereas the number of volumes of session laws and statutes for the various colonies and states literally run into thousands. Furthermore, the large amount of authentic genealogical facts buried in them is indeed amazing. There can be no doubt that many genealogical mysteries that plague us now would be cleared up if enterprising genealogists methodically searched these sources.

A few practical examples from session laws will prove the value of this source. The same type of information will be found in statutes at large.

Chapter XIII, of Massachusetts Session Laws of 1787, is an act passed 16 Nov. 1787, and provides for the naturalization of some twenty persons. Their names, occupations, residences, and, in some instances, their wives and children's names are given. The best example is the family of Henry Smith, merchant, his wife, Elizabeth, and their children, Henry Lloyd Smith, Elizabeth, Catherina, Rebecca, and Anna Smith, all residents of Boston. Also mentioned is Kirk Boot, formerly of London, Great Britain, his wife, Mary Boot, and their daughter, Frances, all now residents of Boston.

An Act changing the name of Thomas Greaves Russell to Thomas Russell Greaves, of Boston, Gentleman, was passed as Chapter XII on 6 July 1787, by the General Court of Massachusetts. The reason for the change of name was that Thomas "being a lineal descendant of the Honourable Thomas Greaves, late of Charlestown, Esq., deceased, and being desirous from respect to his memory, to be called by his surname," petitioned that the court authorize the change.

Of course, a researcher expects to find records like the

foregoing in Massachusetts, but what about some jurisdiction where records are generally lacking? To answer this question, Alabama was selected as a good case in point. The first Session Laws of Alabama Territory were examined with similar results. Quite a number of divorces were found and a similar number of marriages were made legitimate. On page 16, is the record of a divorce of William Henry from his wife, Ann Henry. Section 2 of the act provides "That the marriage of the said William Henry with Amelia Bradley previous to the granting of this divorce, be and the same is hereby declared to be good and valid in law, and that George Gaines, Caroline, Matilda, Cornelia, Julia Brunette, and William Jackson, the issue born of said marriage, be and the same are hereby declared to be legitimate." I believe I am safe in waiving further argument in behalf of Alabama. Several other similar acts were observed just as good as William Henry's.

A search was made of Pennsylvania Session Laws with the same gratifying results. Chapter 99 of the Session Laws of 1783 disclosed that Mary McKay of the town of Pittsburgh, widow of Colonel Aeneas McKay (late of this state, deceased), was granted a franchise to establish a ferry over the Monongahela River at the New-Store, on a tract of land late the property of her deceased husband, and now vested in his children, Samuel McKay and Elizabeth McKay.

Chapter 78 of the same year provided for the dissolution of the marriage of Charles Rubey of the town and county of Bedford, cordwainer, from Jane Rubey, his wife, late Jane Smith.

Abraham Comron of Philadelphia petitioned the General Assembly on 5 Nov. 1782, for what amounted to a statutory quiet title action. In his petition, he stated that his grandfather, Nicholas Cassell, deceased, did in his life-time, by deed of gift convey unto Mary Comron, the mother of the said Abraham, a certain lot on Race Street, between the Front and Second Streets, from the Delaware River in the City of Philadelphia. On this lot, John Comron, the father of Abra-

ham, built a small brick house. John Comron and his wife, Mary, died intestate, leaving as heirs, the said Abraham and a daughter, Rebecca, their only issue. That when the enemy were in possession of Philadelphia, Abraham and his family moved to the county of Gloucester, New Jersey, to a place called Clonmwell, where the enemy came and broke and destroyed everything belonging to the family and burned all the papers, amongst which was the deed of gift from the said Nicholas Cassell to the said Mary Comron, the mother of said Abraham. Abraham's petition was granted, as the act providing for his relief was passed 6 Dec. 1783.

The foregoing actual examples are revelatory of the genealogical facts you will discover in these sources. During my search, I found many equally as good or better.

In order to make a thorough search of these sources, it is necessary to make a page by page search of the laws for the period in which you are interested, unless the archives department or library of the state in which you are searching has published a printed index or compiled a card index including *all* names mentioned in the laws. Therefore, before undertaking an extended search of these sources, be sure to ascertain if the state involved in your search has indexed the names appearing in its laws. If so, did they index all persons by Christian and surname? If not, you will still have to make a page-by-page search to be sure you are not missing your party. This problem will be with us until some public-spirited and genealogical minded person or organization realizes the value of financing the digesting and indexing of these excellent sources. Fortunately, progress has been made in indexing and in compiling bibliographies disclosing the available session laws and statutes which are of great value to genealogists.

CHECK LISTS

Session Laws:

Check-List of Session Laws, Compiled by Grace E. McDonald, N.Y., 1936, The H. W. Wilson Company, pp. 266.

A Supplement with Bibliographical Notes, Emendations and Additions, compiled by Erwin H. Pollack, General Assistant, Columbia University Law

Library. (This is a supplement to the Check-List compiled by Grace E. McDonald.) Preliminary Edition, Boston, National Association of State Libraries, 1941, pp. 48.

Statutes:

Check-List of Statutes of the United States of America, etc. Compiled by Grace E. McDonald for the ———— National Association of State Libraries. Providence, 1937, pp. 147.

To tap these sources on a local problem, the nearest county law library will probably have the session laws or statutes, or both, available to you. However, you can't very well ascertain what there is available as a whole without referring to the above mentioned check-lists. Even before working on a problem in the local law library, it is wise to check with the state law library or archives to see if there is a printed or card index to persons. If you find that no index of persons has been compiled and your search is extensive, it will be necessary to go to a large library, such as at the state library, or one of the larger county law libraries, or better yet, the law library of the Library of Congress. The larger law libraries have excellent collections of early statutes and session laws from all parts of the country. Of course, a searcher is bound to find incomplete collections as the early volumes are very costly, and in some instances, are not available at any price.

Assume you find the laws have not been indexed and you visit a law library and know the year or years most likely to contain the information you are seeking, you would first examine the check-lists mentioned above to see if the law library has the session laws or statutes for that period. You find that the library has the one you desire. After getting the volume or volumes, you examine the index, if any, or table of contents, in each volume for the name of the family for which you are searching. Then merely turn to the page containing the information about the family. If there is no index or table of contents, a page by page search will be necessary, which, of course, is the safest method.

For example, assume you are trying to find the wife and children of John Gardiner, a lawyer residing in Boston,

Massachusetts, in 1787. By referring to the above mentioned check-list of session laws, you find that the session laws are in the law library. Examination of the table of contents discloses a private act relating to Gardiner and his family on 25 October 1787. It is Chapter IV, and names "John Gardiner Esq., Barrister at Law, Margaret Gardiner, his wife, Ann Gardiner, John Silvester John Gardiner, and William Gardiner, their children." This act was passed to correct a previous act of 1784 which failed to include his wife's name.

A course in legal research is not necessary as there is really nothing complicated about the procedure.

As mentioned, a page by page search is the safest method. However, if you are lucky, you may spot what you are looking for in the index or table of contents, if any. If the index contains headings, such as, "Relief of ———," "Persons," "Naturalization of ———," "Divorces," "Private Acts," you are in luck.

The following table is a partial list of the first session laws and statutes in print. For a complete list, see the check-lists mentioned above.

State or Territory	*Date of First Session Laws*	*Date of First Statutes*
Alabama	1818	1823
Connecticut	1709	1656
Delaware	1733	1741
Georgia	1755	1800
Illinois	1809 (prior to 1809 see Indiana)	1815
Indiana	1801	1807
Kentucky	1792	1799
Louisiana	1804	1806
Maine	1820	1821
Maryland	1719	1704
Massachusetts	1661	1648
Mississippi	1799	1807
Missouri	1813	1804
New Hampshire	1699	1692
New Jersey	1703	1703
New York	1693-4	1691
North Carolina	1752	1704
Northwest Territory	1788	1791
Ohio	1803	1805
Pennsylvania	1711 (prior to Oct. 1711 laws not printed)	1701
Rhode Island	1747	1719
South Carolina	1736 (Laws prior to 1736 not printed)	1704
Tennessee	1792	1794
Vermont	1779 (1778 sessions not printed)	1779
Virginia	1732 (not printed prior to 1730)	1612

One authority on the interpretation of statutes, wrote that "In the Interpretation of a statute the legislature will be presumed to have *inserted every part thereof for a purpose.*"

It would be stretching a presumption too far to say that legislators of centuries past inserted facts in the laws for the purpose of genealogical research. However, more genealogical facts were inserted than were necessary to accomplish the purpose of the laws enacted. It seems that in considering this subject, as in the case of the supreme law of the land, our forefathers inserted better than they realized.

Relationship

In old wills and other old documents the word *cousin* is sometimes used for *nephew*, and thus many errors may occur in tracing out genealogies. Many curious cases of relationship will be found to exist by those that investigate the descent of families, some of which cannot be described by the terms we now use to designate consanguinity. It is surprising, that among the many words that have been coined, some new terms have not come into use as substitutes for the awkward way we now have of naming some of our relatives; such as great-great-great grandfather, great-great-great uncle, &c. The following curious case was taken from a newspaper; whether the account is correct or not, the reader may see that it may be true.

"A man can be his own grandfather.

"A widow and her daughter-in-law and a man and his son—the widow married the son, the daughter the father; the widow was mother to her husband's father and grandmother to her husband; they had a son to whom she was great-grandmother. Now as the son of a great-grandmother must be either a grandfather or great-uncle, the boy must be one or the other. This was the case of a boy in Connecticut."

Marriage

By Donald Lines Jacobus, M.A., F.A.S.G.

The Puritans who settled in New England were in some respects the radicals of their generation and departed from the traditions of the Church of England. In their view marriage was not a sacrament, but a civil contract, and only magistrates were licensed to perform the marriage ceremony. But not all the immigrants were Puritans, and the sentiment in favor of clerical marriage ceremonies grew sufficiently strong to cause the General Court of Connecticut Colony to pass the following law in October, 1694: "This Court doe for the sattisfaction of such as are conscienciously desireous to be marryed by the ministers of their plantations doe grant the ordayned ministers of the seuerall plantations in this Colony liberty to joyne in mariage such persons as are qualifyed for the same according to law."

Thereafter, both civil and religious marriages were legal in Connecticut, and the latter became increasingly popular as Puritan ideas receded further in the background of time.

Incest was at first punished with death, in accordance with scriptural law, but after 1700, though still viewed with loathing, the penalty was made less severe.

In some colonies many years passed before there was a law defining the bounds of relationship within which marriage was permitted. In general, it was a matter of custom, and in this the Puritans were not at all radical but followed the traditions which they had brought with them from England. Marriages with relations closer than first cousins were considered incestuous, and marriages between first cousins were not very common, though usually not forbidden by law. It

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was extremely common for relatives more distant than first cousins to marry.

It is not generally known that marriage was not allowed to "in laws" who came within the prohibited degrees of relationship. The biblical dictum that husband and wife become one flesh was taken in the most literal sense. Hence, the wife of a son, or the daughter of a wife, became a man's daughter; his wife's sister, or the wife of his brother, became his sister; his wife's aunt, or his uncle's wife, became his aunt; and so on. Marriage with such "in laws" was frowned upon and usually prohibited in precisely the same way as if they had been actual blood relatives.

In the records of the Friends [Quakers] of Newport, R.I., an example of this is found. On 2 Aug. 1692, "Dan^{ll} Gould Jacob Mott John Borden Returne theare Answer they were with W^{m} Wodall and delt tend^{r}ley with him But the substance of what wee Could Get wass y^{t} hee does still Justifie his marriage with his daughter in Law." Four weeks later, we read: "Dan^{ll} Gould, Walter Clarke: & Tho: Rodman hath drawne up A Testtimoney agaynst W^{m} Wodalls practis & y^{e} sperit y^{t}: Leades him to Justifie y^{e} practis; ffor him to marey y^{e} woman y^{t} was his owne Sones wife." Three months later the transgressor had died, for we read: "The seurall Tender dealings of this meeting with William Woodall hath Ended in y^{t} hee was Taken ought of y^{e} Bodey By death soone After ffriends sent him a Copey of Theare deneyall of his marriage."

About 1693, in New Haven, Conn., Nathaniel Finch ventured to marry the sister of his deceased wife. Legal steps were soon taken, and eventually the marriage was denounced by the bride herself and by her father, and was declared void by the County Court.

In 1768 died the wife of Jacob Pinto, a merchant of New Haven, Conn., who by birth was Thankful daughter of Capt. James Peck. Thereafter, the births of four children of "Jacob and Abigail Pinto" were entered in the vital records. There is a stone to the memory of Thankful and Abigail Pinto, the

first and second wives of Jacob Pinto. Despite this evidence that Jacob was legally married to Abigail, Jacob's will called the four children by Abigail "my natural children," though he described the three sons by Thankful merely as his children; and he left a third of his movables and the use of a third of his realty (the legal dower of a wife) to "Abigail the daughter of Capt. James Peck," and throughout the will she was thus described and not once called his wife. The explanation is simply that she was his deceased wife's sister; and fearing that the legality of his marriage might be questioned by the sons of the first wife and his will broken if he called Abigail his wife, he circumvented this possibility by giving her the equivalent of her dower without specifying the relationship she bore to him.

An even more recent case comes to light in the will of Silliman Willson of Fairfield, Conn., made 17 Apr. 1830, in which he made provision for his wife Ann. He added a codicil over two years later in which he states that he understands that the marriage "between myself and Ann Willson named in my will as my wife was invalid by reason of the relation between me and her last husband Daniel Willson deceased, although we have lived hitherto wholly ignorant of any defect in our marriage relation," and he therefore proceeded to make the same provision for her whether the marriage was valid or not. Ann was his second wife, and was the widow of his nephew, Daniel Willson.

A final instance, which occurred in Connecticut about 1810, is that of a woman who was excommunicated by a Congregational Church because she had married the uncle of her deceased husband.

It will be seen from the above examples that marriage to the near kin of a deceased husband or wife was viewed with disfavor and even considered invalid throughout the colonial period and for a number of decades thereafter. No law has ever been obeyed one hundred per-cent; unquestionably there were infractions of these marriage regulations. Such infractions grow more numerous as we reach a more recent period,

but they were infrequent during the first century of New England history.

For this reason, it is always well to view with suspicion statements that a man married his deceased wife's sister. The writer has investigated several such claims, in the period before 1700, and has either disproved them or found that the evidence in favor of them was insufficient to establish them as true. It was found that most of these claims were injudicious guesses made by genealogical writers who were ignorant of the prejudice that long prevailed in the New England colonies against such marriages.

Having considered, perhaps at too great length, the sentiment which usually prevented the marriage of those who were already closely related by marriage, it will be more useful, in a general way, to consider what factors did determine marriage. Of these, propinquity played the greatest part.

A large majority of men in colonial days found brides in the households of neighbors. The population was then mostly rural, or confined to villages and small towns; there was little to call a man away from his parental acres; and primitive transportation facilities did not encourage travel on a wide scale. Hence it is not surprising that most marriages were home-made affairs. The farmer's son, going on an errand to the blacksmith's or the shoemaker's, lingered to chat with the red-cheeked daughter of the house. Or the romance developed at a harvest party, or walking or riding home from church.

Marriages outside one's native town were more common in the upper social grades. The minister's daughter, or the Governor's daughter, might not find many eligible local suitors, and hence prefer the suit of a young visiting clergyman or lawyer. The sons of the owners of manors and plantations were also likely to look for brides in their own class rather than among the plebeian girls of the neighborhood.

A marked trait of the colonists was their clannishness. One marriage between two families was likely to lead to others. John marries Jane, and when Jane's first child is born,

her sister Ann stays with her to "help out" with household duties and the care of the mother and infant. John's brother David is often in the house; propinquity plays its fatal role, and a few months later David and Ann become husband and wife.

So frequently did a second and even a third alliance occur between members of the same families, that the wise genealogist utilizes this fact when hunting for a missing wife in the ancestral line. John's marriage to Jane was not recorded, and we desire to learn Jane's identity. The wives and husbands of John's brothers and sisters are therefore ascertained, and search is made of their families to discover whether there was an eligible Jane among their close relatives. While making this search, it is learned that Ann, wife of John's brother David, had a sister Jane of proper age. The will of the father of Ann and Jane is then consulted, and (if we are lucky) the will calls Jane the wife of this particular John. Many problems of this type have been solved by following the method described.

Another method to ascertain the identity of a missing wife is to consult the record of births and baptisms for all Janes (supposing that to be the name) born in the town within the range of perhaps five years in which the birth of our Jane must fall. If we do not know her approximate date of birth from her age at death, we can estimate it from the births of her eldest and youngest children, on the basis that she was probably not much under eighteen years nor over forty-five years at the births respectively of the eldest and youngest children. Or we may simply estimate that she was between eighteen and twenty-four at marriage. Having found two or three Janes recorded as born within the proper period, we consult the wills of their fathers, study the Christian names in their immediate families to learn whether our Jane conferred these names on her own children, and take all other expedient steps to uncover clues and to prove such theories as we have formed.

These steps sometimes, but not always, lead to success.

It is unsafe to depend on this method too far, unless it actually uncovers record evidence. Some have assumed too readily that the only Jane they have found recorded in the given town and at the proper date, must be identical with the Jane whose maiden name and parentage they are seeking. But our Jane may have escaped having her birth recorded; or she may have been born in some other town.

For despite the usual custom of marrying a neighbor's daughter, frequent exceptions to the rules are found. It is well not to overlook geographical considerations. If John's family lived in an outlying section, a girl whose family lived in the adjacent section of the next township may have been a closer neighbor than most of the girls in his own township. Occasionally, too, a man married at a considerable distance from his home, and we must spend a little thought on the reasons for these distant alliances.

First of all, a man living in any coast town, if he followed the sea in his youth, had the opportunity to meet girls in any coast town from Maine to Carolina. Merchants in the north sometimes settled for a few years in a southern port, later returning with a wife and children acquired during their sojourn. Young men came to college towns from distant points to obtain an education, and once in a while formed an attachment for a local girl. River traffic must also be considered; for water, whether coastal or inland, was the easiest method of travel in colonial days.

The habit of visiting relatives played a large part in the acquisition of wives who came from distant towns. Next to propinquity, novelty is the factor most likely to play a part in romance. The home-town girl is an old story; the girl from out of town is a mystery.

Two actual examples will illustrate how these out-of-town alliances came about; and if they are chosen from Connecticut families with which the writer is most familiar, it will not matter, since the basic principles hold good anywhere. Thomas Osborn settled early in New Haven, Conn., but later, leaving his son Jeremiah here, removed with his other sons to East-

hampton, L. I. Some fifty years later, Jeremiah's granddaughter Mary Osborn was married at New Haven to Ephraim Osborn. Since Ephraim could not be placed in the New Haven branch, the theory was formed that he came from one of the Easthampton branches. Research proved this theory: he was a second cousin of Mary, and presumably fell in love with her while visiting his distant relatives in New Haven. Now Mary's brother Jeremiah had a wife Elizabeth whose identity had never been ascertained by research in New Haven, where they lived. Apparently he met her while paying a return visit to his Osborn relatives in Easthampton, for the church records there contain the entry of his marriage to Elizabeth Wheeler.

New Haven records give the marriage of Mr. John Glover to Mrs. Margery Hubbard in 1700, and the entry states that they were married by Israel Chauncey. When the minister or magistrate who performed a ceremony is known, we are provided with an important clue, since brides were usually married by the minister or magistrate of their own towns. Finding that Israel Chauncey was the Stratford (Conn.) minister, it followed that Margery was from that town. No Hubbards were found in Stratford at that period, but a Margery Hubbell was found who was of the proper age and social status for the marriage to Mr. Glover.

Evidence of the circumstantial type was afforded by several collateral facts. Mr. Glover and his wife removed to Stratford after a few years. His sister Mehitabel married a Stratford merchant in 1705. His half-sister, Abigail Thompson, was married in 1707 to Richard Hubbell of Stratford, brother of Margery Hubbell. Positive proof was not discovered until the Newtown (Conn.) records were searched. The Glovers removed after a few years to Newtown, and Mr. Glover had his marriages and the births of his children entered on the records there. The name of his first wife was then recorded as Margery Hubbell. The name Hubbard was an error of the New Haven clerk, and the term "Mrs." applied to her was a title of respect often applied to maidens of good

family, and did not signify that she was a widow when she married Mr. Glover.

Sometimes a girl was married in a town where her surname had not previously appeared in the records, and it is a mystery how she got there. The explanation is often that she accompanied a widowed mother who had married a citizen of that town. Children and young people under age did not usually appear in a town unless brought there by relatives; and it was not uncommon for an orphaned child to go to live with an uncle or cousin. These considerations are often of great importance to the genealogist in tracing "stray" individuals whose antecedents are not readily apparent.

Divorces were more common in colonial days than is generally supposed. Quite early, in Connecticut, one finds mention of them in the Colony records and in the records of the Court of Assistants. Until 1796, the files of the Superior Court, at the State Library, Hartford, should be examined; they are arranged in dockets by years and counties. Thereafter, they will be found in the Superior Court records at each County seat.

The Identification of Emigrant Ancestors

By Lilian J. Redstone

The problem of identification is the hardest nut which the genealogist has to crack. Identification of anyone who moves from place to place is rarely easy; when he transfers himself from one quarter of the globe to another, it becomes particularly difficult.

Happy is the genealogist who finds in contemporary record direct proof of identity in such words as a bequest to "my son John now overseas in New England." The value of wills for this purpose is well-known, witness the constant utility of such works as Waters' *Genealogical Gleanings in England*. A less commonly used source is the court-roll. The reason for its neglect is twofold. It is not so easy of access as the will; and it is more technical in its nature.

Court-rolls are not generally in the custody of a public official who is bound to produce them upon demand. They are normally privately owned, and permission to see them varies from point-blank refusal to the demand for a heavy search-fee. Yet some owners are very generous in allowing them to be examined, and very considerable numbers of rolls do exist in public custody as at the Public Record Office and the British Museum. The recent Property Act is gradually adding the number of rolls accessible to the public. It gave general power over them to the Master of the Rolls, who has encouraged their deposit with authorized custodians, often the local librarians.

The technicalities of the court-roll are not really difficult to master, and they have an important bearing upon emigration generally. It is admitted by modern students that the proportion of emigrants, who sprang from the class of lords of the manor, such as the Winthrops, is small in comparison

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with the numerous emigrants of the class who would hold land, in small or great quantities, of the manor. The value of the court-roll lies in the fact that, however small the quantity of land held, the record of its transfer appears upon the manor roll in all its detail. Thus, if our emigrant ancestor only held a tiny messuage with half an acre of garden we may hope to find definite proof of his identity in some such terms as follow:

John Smith of Connecticut in New England came by Thomas Browne his attorney and surrendered into the lord's hand a messuage and half an acre of land with the appurtenances in Aton, (which he took up in the court of this manor, holden on Thursday 23 April 10 James I upon the death of his father James Smith, as more fully appears by the roll of that court), to the use of William Browne and his heirs for ever.*

Thus we have the record of John Smith's disposal of his small copyhold after he had decided to make a permanent home in New England. If we are very fortunate, and the Smiths had long resided in that same house, or owned land in the same manor, we may even get the descent of that land from generation to generation, back perhaps to the stormy times of 1381, when one of his ancestors (from whom he inherited venturesomeness as well as land) helped to burn all the court-rolls of the manor, in a vain hope of freeing their lands from the services due to the lord.

The choice of the particular rolls to be searched is a harder task than it is with wills. In their case, many calendars exist, and when the surname has been located in a certain district, it is a comparatively simple matter to read the wills proved in the courts for that district. The use of court-rolls to prove identity must come at a later stage in the search. For example, it is not until a group of emigrants have been located (say) at such a place as Hatfield Broadoak in Essex, that it becomes worthwhile to examine the court-rolls of the manor of Barring-

*The illustration is imaginary, not an actual record.—*Editor.*

tons in Hatfield, which exist at the British Museum or in the Colchester Public Library, in the hope of finding absolute proof of identifications, towards which evidence already exists.

The genealogist cannot fall back upon modern tests of identity. He has no means of comparing fingerprints, although he may sometimes make use of an expert in comparing signatures. He can, however, have, as it were, a preliminary identification parade of possible ancestors, and then try out his assumptions by means of the court-roll as well as the testamentary record. For in genealogy the passing of a piece of land is as valid a piece of proof, as the finding of stolen goods upon the person of a suspected thief; and the land most commonly held by persons of the class that emigrated in largest numbers would be just of the character to be recorded upon manorial records.

Interpreting Genealogical Records

By Donald Lines Jacobus, M.A., F.A.S.G.

I.

Before we have handled genealogical records very long, we discover that considerable special knowledge is required to enable us to interpret the records we find. It is not merely, if we seek out ancient public records, that there is difficulty in reading the script of three centuries ago, and that considerable practice is required before we are able to read it fluently. In a later article, we plan to discuss this difficulty. But even if we limit ourselves to printed copies of ancient records, we find many terms used which we do not understand, and we are particularly puzzled when words that are entirely familiar are used in a different sense from that which they possess today. A few of these, we shall explain here.

The terms "Mr." and "Mrs." in the seventeenth century were reserved for persons of social position, and the early colonial settlers used these terms in the same sense to which they had been accustomed in England. They denoted people of "gentle" birth; and a "gentleman" in the English sense was a man who did not perform useful labor but derived his living from the income received from the rental of lands. They might be very wealthy, or they might have to scrimp to make both ends meet, but these people, the landed gentry, constituted the aristocracy.

If younger sons became ministers or barristers, they remained "gentlemen," but it did very often happen that the younger sons of the less wealthy families entered a trade. Conversely, it often happened that a tradesman of ability, or a merchant, acquired wealth; then, if he cared for social recog-

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nition, he would buy an estate from some impoverished gentleman, pay the heralds' fee for a coat-of-arms, and perhaps even buy a fabricated pedigree to prove his gentility. Thus, although there were families which had held an assured position for many generations, there was in fact much moving up and down the social scale. Social position, then as always in human history, depended on the possession of some form of material wealth.

The colonists were very strict, at first, in limiting the use of the term "Mr." to those whose families belonged to the landed gentry, to ministers, and to those whose official position entitled them to it. In assigning seats in the church or meeting house, great attention was paid to social importance, though some concession was made to people who were hard of hearing. Otherwise, the gentlemen had the first pews, then came the respectable tradesmen and farmers, and lastly the servants and those of low social rating.

The term "Mrs." was applied to both married and unmarried gentlewomen, a fact of genealogical significance which is too often overlooked.

Substantial citizens who were not entitled to the prefix of gentility were formally addressed as "Goodman Jones" or "Goodwife Morris," and the feminine title was often shortened to "Goody." In determining the social position of an ancestor, it is well to scrutinize every record to see what terms of respect were applied to him, how closely he was seated to the pulpit in the meeting house, and who were his intimate friends and associates.

Ignorance of these rudimentary principles has been responsible for the printing of a great deal of nonsense by amateur family historians. Some have recklessly identified an immigrant ancestor as younger son of an English knight or peer, when the appellation of "Goodman" and similar considerations clearly demonstrate that his ancestry should be sought in the yeoman or tradesman class. The compiler of a Dunham genealogy evolved the fantastic theory that the first John Dunham, who was referred to in certain records as

"Goodman Dunham," was identical with John Goodman of the *Mayflower*. He could not have considered the prefix "Goodman" as evidential if he had known the frequency with which it was applied.

The term "servant" did not necessarily imply social inferiority, but merely "one who serves." That is to say, there was no fixed and permanent servant class among the colonial settlers of New England. A boy was often apprenticed, most generally at about the age of fourteen for seven years, to learn a trade. While serving his apprenticeship, he was the "servant" of the man to whom he was apprenticed, who during that term was his "master." The master was obliged by the "articles" of apprenticeship to supply the boy with food and clothing and often a certain amount of education, besides teaching him his trade, and sometimes it was provided that the boy upon attaining his majority should receive a modest amount of money or its equivalent in land or livestock. Whatever the boy could earn beyond that, belonged to his "master."

Sometimes a boy was apprenticed to an uncle or other relative, and more often than not, his family belonged to the same social class as the family of his master. It was no unusual thing for an attachment to spring up between an apprentice and a daughter of his master, culminating in a marriage alliance. A family in which there were too many girls might arrange for one of the daughters to enter the household of a neighboring family in which there were too many boys. Such domestic service did not lower the girl's social status below that of the family into which she was born, nor below that of the family in which she worked, unless she entered the service of a "gentleman's" family who even without such service were already her social superiors.

The primitive economic conditions of the country in colonial days should be recognized, and those who are inexperienced in genealogical research should abandon all preconceived ideas of social distinctions and study conditions as they actually were; otherwise, they are certain to misinterpret the records they find.

Terms used to denote degrees of relationship had somewhat different meanings than they have to-day, and this too is a stumbling-block to amateurs. First of all, husband and wife were identified as one person. Hence, when a man writes in his will of "my brother Jones" and "my sister Jones," he may be referring to his own sister and her husband, to his wife's sister and her husband, or to his wife's brother and that brother's spouse.

It is not always possible to decide, in the will of a Puritan around 1650, whether the "Brother Peck" and "Brother Perkins" whom he appointed overseers of his estate were relatives by marriage or merely brothers in the church. The expression "*my* Brother Peck" makes it sound a little more like relationship, but is not conclusive. The same uncertainty attaches to the use of the term "sister" in these early wills.

The term "in law" implies a kinship that came about through marriage rather than through lineal or blood connection. The term "brother-in-law" nearly always means either a sister's husband or a wife's brother; which it means, has to be determined through other considerations. A man's father-in-law was either his wife's father or his own mother's second husband. Amateurs are sometimes bewildered by a record which states that a boy of fourteen chose his father-in-law for guardian; of course "stepfather" is meant. In the same way, mother-in-law meant either a man's stepmother or his wife's mother. When, in the settlement of an estate, the widow and children of the deceased made an agreement, and the children made provision for their mother-in-law, this proves that she was a second or later wife and not the mother of the children. The terms "son-in-law" and "daughter-in-law" had also the same double meanings.

Many errors in books prepared by compilers of insufficient knowledge are caused by such misinterpretations of records. A Hitchcock Genealogy, for example, suggests that two daughters of John Hitchcock married two Lines brothers, though upon investigation we find they were well provided with wives without such a Hitchcock alliance. The explanation

is simple. John Hitchcock had married the mother of the Lines brothers and hence was referred to in a record as their father-in-law.

The term "cousin" is perhaps the one which is most puzzling to the untrained searcher. It was applied loosely to almost any type of relationship outside the immediate family circle. It was most frequently used to denote a nephew or niece, but it could also be applied to a first cousin or more distant cousin, or to the marital spouse of any of these relatives, and sometimes to other indirect connections who were not even related by blood. The first guess should be that a nephew or niece was meant; if this does not work out, then try to prove that a cousin in our sense of the word was meant; if this also proves impossible, it may require long and profound study to determine just what the connection was. This applies, generally speaking, to the use of the term in New England prior to 1750. No definite and exact date can be fixed, for the terms nephew and niece gradually supplanted cousin to denote that form of relationship.

The word "nephew" is derived from the Latin "nepos" which meant grandson. Sometimes it meant the father's grandson, hence a man's nephew. The original meaning of the word survived many centuries, and I have seen wills in this country in which grandchildren, both boys and girls, were called nephews. But for the most part, even in early colonial days, it was used, as at present, to denote the son of a brother or sister; or occasionally, the daughter of a brother or sister.

In the seventeenth century the expression "my natural son" or "my natural brother" usually meant a son or brother by blood as opposed to a son or brother by marriage or adoption, and did not imply illegitimacy.

The use of two surnames, joined by the word "alias," is puzzling to the novice. There were several causes for the adoption of two surnames. Sometimes, in England, when a man had married an heiress and the children inherited her estates, they were known both by the father's and the mother's

name. Sometimes a child whose father died early was known in youth by a stepfather's name, and later adopted the alias to make his identity clear, joining the own father's surname to that of the stepfather. Again, in cases of adoption, the original name and that of the foster parent were both retained and joined with an "alias." But when we find in early American records a man referred to as "John Noon alias Night," the most usual explanation is that John was of illegitimate birth, that Noon was the name of his reputed father, and that Night was his mother's name. However, in view of other possible reasons for the alias, illegitimacy should not be assumed without investigation of the specific circumstances.

The terms "senior" and "junior" did not as a rule imply the relationship of father and son until we reach the nineteenth century. In a day when middle names were not generally given to children, the rapid increase of the early colonial families quite naturally produced many individuals with identical names. Such individuals found it necessary to adopt some method of distinction, to avoid confusion, when signing deeds or other documents. The elder was called "Sr." and the younger "Jr." whether they were father and son, uncle and nephew, or cousins. Serious mistakes are found in many family histories because of the failures of the compilers to inform themselves in this matter, and their insistence that "Jr." must have been son of "Sr."

For example, Gerard or Jarard[3] Spencer of Haddam, Conn., in his will dated 6 June 1738, proved 15 Jan. 1744/5, gave lands to his "sons Jarrard Spencer Junr Benjamin Spencer Daniel Spencer Junr Ephraim Spencer" and to the children of his eldest son John Spencer deceased.* It will be seen that he had two sons whom he called "Jr.," one of them obviously because named after himself. But what about the son whom he called Daniel Jr.? Gerard had a first cousin Daniel, much younger than himself and not much older than Gerard's son Daniel, and this cousin, because of seniority of age, was known as Sr.

*Colchester Probate District, File No. 2827.

Those who search documentary sources encounter this phenomenon constantly. In one town, five men named John Hall lived contemporaneously, and they were strictly labeled, according to age, Sr., Jr., 3d, 4th, and 5th. When Sr. died, each stepped up a notch, Jr. becoming Sr., and so on; for these appellations did not remain attached permanently to the same individual, but were applied to distinguish between *living* men of the same name in the *same township*. If John Hall 4th moved to some other town, he was no longer of Wallingford, hence John Hall, formerly 5th, would automatically become "John Hall, 4th, of the town of Wallingford." I have actually seen deeds in which a man called himself "John Doe, Jr., formerly 3d." The novice becomes hopelessly confused in his efforts to determine the identity of the John Doe who was his ancestor when confronted with a perfect labyrinth of John Does.

Let us assume that a deed has been found in which John Jones, 3d, of the town of Eastern, conveys in 1784 to his "son Roswell Jones," and it is Roswell's ancestry we are seeking. Here is the essential clue, but who was John Jones, 3d? If the records are reasonably full, it can be worked out, but it requires time and labor, as well as keen analysis. It may prove necessary to abstract the probate records, and every deed, of every contemporary John Jones of that locality, and to determine the life history of each one, before we can be sure which was the father of Roswell; but it can be done, if we have learned how to interpret the records.

* * *

II.

In early town or court records one often finds mention of relationships. Jones may testify that he was at his brother Smith's house when a certain event occurred. Such items are of value, particularly when vital records for the time and place are non-existent. However, many of the mistakes relative to early generations which are so common in town and family

histories, are based on precisely this kind of entry. The Jones family historian too readily assumes that Jones' wife was a Smith; while the Smith family historian is convinced from the same record that Smith's wife was a Jones. Both statements get into print, with the result that the amateur working out his family lines finds printed authority for the conclusion that Jones and Smith each married the other's sister, and supposes that there is record evidence for a double marital connection.

Too much should not be built upon casual mention of relationship in the early records. The cautious historian, finding such an entry, may say that "probably Jones married the sister of Smith." Along comes a descendant preparing a book of his ancestry. He is annoyed by the "probably," very much so if the Smith ancestry chances to be a desirable one; our modern Mr. Jones rashly omits the "probably" and his book states in unqualified terms that Jones did marry Smith's sister.

When the term "brother" was not employed, as it sometimes was, to signify brotherhood in the church, the relationship may have come about in the following ways:

1. Jones married the sister of Smith.
2. Smith married the sister of Jones.
3. Jones and Smith married sisters.
4. Jones and Smith were half-brothers, with the same mother but different fathers.
5. Jones and Smith were stepbrothers, the father of one having married the mother of the other. In that case, "brother" was a courtesy term, not implying blood relationship.

It will be quite evident from the above analysis that it is unsafe to build pedigrees on a single record entry of this type. The exact wording of the entry should be studied with care. Marriage records should be found if possible. Wills and other records should be consulted for confirmation. Sometimes several records, considered together, admit of only one interpretation which will adequately explain them, and the conclusion reached can be stated as a reasonable certainty,

based on the dovetailing of these several pieces of circumstantial evidence.

Those who consult seventeenth century records should be familiar with an odd substitute for the possessive case of nouns, then prevalent. Instead of writing "Jones's brother Smith," the early scribe frequently wrote, "Jones his brother Smith." Or he might write, "Smith his house," or "the widow Johnson her son." The use of the pronoun in place of the possessive case is confusing to those who have not familiarized themselves with it, and sometimes leads to incorrect interpretations of early records.

It is hoped, if the magazine's income one day permits us to pay for the making of plates for illustrations, to discuss the peculiarities of the handwriting of early records; but without illustrations to exemplify these pecularities in a visual way, such a discussion would be of slight utility. We may, however, call attention to the necessity of studying the different ways of making figures. It is easy to mistake an early elaborate form of the figure '1' for a '2.' The figures '4,' '7' and '9' as written at various periods are not infrequently confused by the novice. A silly sort of '8' lying on its side was popular at one time.

There was also a style of '8' open at both top and bottom which made it resemble a '4.' Those who read Bible records, particularly of the period 1800 to 1850, should watch for this type of '8.' It is a wise precaution, after copying an old Bible record, to check through the dates, to see whether the dates of marriage, births of children, and stated ages at death, are in harmony with each other. If not, a second examination of suspicious entries may reveal that figures have been misread. The Bible copyist is often excusable for such mistakes, because it is a difficult task to read a few entries in an unfamiliar handwriting, and sometimes the entries were written by two or three different persons, each one of whom had his individual style.

It is easy even for the experienced searcher to make mistakes in reading early records written in unfamiliar script,

and still easier for the inexperienced. A correspondent once accused me of inaccuracy in stating that a certain man's will was made in 1710 and proved in 1711, because he personally had seen and copied a deed given by one of this man's heirs in 1702 in which he was referred to as deceased. This puzzled me until I examined my notes. I found that I had made an abstract of the same deed, but had read the date as 1712 instead of 1702, and I felt this must be correct because it was in harmony with the probation of the man's will in 1711. Then I remembered that the Town Clerk of that town at that period had a peculiar way of making the figure '1.' He made his '0' small and round; but the '1' he made long and then drew a fainter and partly curved line at the right of the down-stroke, giving it the appearance of a thin, elongated '0.' This peculiarity had bothered me until I took the pains to examine carefully how this clerk made each of his figures; and I could well understand how my correspondent had come to misread 1712 as 1702.

Genealogists of long training and experience are not immune to mistakes of this kind, when copying records written in unfamiliar handwriting and when working, as frequently they have to, with rapidity.

We have spoken in former articles of the risk which the genealogist assumes when he depends upon printed sources of information without verification. When discrepancies are noted in different printed sources, it is useless to try to reconcile them and guess at a solution. The only sensible procedure is to go to the records themselves. This is usually more satisfactory and economical in the end than to waste time and money on half-way measures. The Tinker-Tucker note contributed by Miss Holman** and published in the present issue of the *Genealogist* is a good illustration of the mistakes often made by careful compilers when they depend on inaccurate printed sources.

One of the most amusing examples we have seen is the

**Winifred Lovering Holman: Tinker-Tucker, *The American Genealogist*, Volume 11 Page 50, July 1934.

statement in *Connecticut Men in the Revolution,* issued by the Adjutant-General of Connecticut in 1889, page 553, to the effect that Adam Thorpe was among those killed by the British at New Haven on 5 July 1779. This statement (the whole list, in fact) was not taken from official records but, as indicated in a footnote, from *The British Invasion of New Haven,* by Charles Hervey Townshend, published in 1879. When we look for the origin of this statement, we find the following in the East Haven Church records under date of 5 July 1779:

> killed Isaac Pardee by a Cannon Ball in ye Battle at East Haven aged 22
> same day killed Timothy Luddinton of Guilford & one Tharp of North Haven

Somebody at some time misread "& one" as "Adam," thus giving Thorpe a Christian name. When we turn to the North Haven Church records, we find that they contain the entry (made 6 July 1779) of the death of Sargeant Tharp, aged 32, killed by enemy in East Haven. The most exhaustive search of records in and near New Haven has failed to reveal the existence of any Thorpe named Adam; and the victim of Tyron's Invasion was undoubtedly Jacob Thorpe of North Haven.

III.

It is rather surprising, when one comes to think of it, how many expressions were used in documents of two or three hundred years ago, in a different sense from that in which they are now used, or different from the meaning which the present-day reader would assume as a matter of course.

When a court order refers to B as a "natural son" or a "natural brother" of A, we should not jump to the conclusion that illegitimacy was implied (*ante,* vol. 10, p. 5). This term was generally used to indicate a relationship by nature or blood as distinguished from such a relationship by law; hence, a natural brother was one's own blood brother, a child of the same parents, and not a brother-in-law. In English wills

of the 17th century or earlier, an illegitimate child would be described as "my base son" or even "my bastard son," the latter term being then merely descriptive and not opprobrious.

Perhaps no phrase has caused more confusion, not only to amateur searchers but even to very experienced genealogists, than that of "my now wife" or "my present wife." Almost invariably it is taken to mean that the testator or grantor must have had a former wife before the one named or referred to in the document. It need not mean anything of the sort, unless the maker of the document is drawing a distinction between children he had by a former wife and those he had by his present wife. Ordinarily, it was merely a legal phrase, precautionary rather than explanatory. A man could leave nothing to a former, dead wife. But he could marry a second wife if his "now wife" should die, and the specified bequests were intended for the wife to whom he was married at the time, not for some wife he might marry in the unknown future.

Now a man's wife might be the only wife he had ever had, and the mother of his children. He might wish to make unusually generous provision for her. If after making his will she should die and he should marry again, and he should die without having made a new will, he might not wish this second, later wife to have more than her legal dower, or such provision as might be made for her in a prenuptial contract. If his will made the more generous provision simply for "my wife," there might be a bare chance that a later wife could claim that he intended this provision for the benefit of whoever happened to be his wife when he died. Hence the scribes or notaries who wrote the wills and deeds often employed these phrases, "my present wife" and "my now wife," to provide against such a contingency. Sometimes of course it happened that the man had been married before; often he had not. But in either event, this phrase was not necessary to protect his heirs against a former, dead wife, who never could make any claim, but against a possible future wife.

One of our most competent genealogists (I name no

Card indices and reference books, Local History and Genealogy Room, Library of Congress Annex.
(*Photograph courtesy of the Library of Congress.*)

names) fell into this error of interpretation, and writes of an early New England settler: "It is evident that he had a first wife, perhaps in England, and of unknown name . . . . . for his will refers to K..... as 'my now wife.' " Perhaps he did, but this reference proves nothing of the sort. The same misunderstanding may be noted in a considerable number of genealogical volumes, and it is to be doubted whether any other legal phrase has fooled so many of our most experienced genealogists.

It has often been observed that the early land records, unlike those of later date, contain much genealogical information. After 1800 the deeds only rarely show more than that a man bought and sold, unless a group of heirs convey inherited property, either singly or as a group. Even these later deeds are useful, for sometimes a man bought land in a place before he came there to live, and the purchase deed states his former habitat. Also, a man sometimes removed from a town before he had disposed of all his land there, and his last sale then shows his new place of residence. Identity is frequently established in this way during the period of migration to the west.

But even in the colonial period there is much variation in the amount of genealogical data contained in the deeds in different places. In some towns it is very apparent that the justice or notary who drew most of the deeds over a term of years had the type of mind which likes to be specific and to give every relevant detail. Deeds drawn by such men are a boon to the genealogist. I have seen them specify that the land belonged to a great-grandfather of the grantors, with the descent of the land (or the right to it) traced with full names and relationships through the intervening generations. In other towns, the magistrate who drew the deeds seemed to delight in withholding all the information he could, and would merely have the grantors assert that they had right and title to convey the land in question, with no explanation of how they acquired the right and title.

Once an argument arose that B was not son of A, because

A in conveying land to B failed to call him a son, although, so the local genealogist claimed, it was then customary in that town at that period to mention such relationships when they existed. I examined the deeds recorded in that town with some care, and made this discovery. When a man conveyed to his son "for love and affection," the deed specifically says "to my son," that being the consideration for the conveyance of the land. But when, as occasionally happened, a son bought land from his father, the consideration was the amount of money paid, and in such cases no relationship was stated, and for all the deeds show, the grantor and grantee might have been utter strangers who happened to have the same surname.

If we must draw a moral, the moral is that conditions and practices varied in different places and at different times, and that it is not always safe to draw general conclusions from limited experience or from research in a limited territory.

Use of An Alias in English Surnames

By Lilian J. Redstone

[The following explanation was the result of a suggestion made by me to Mr. George McK. Roberts to write to Miss Redstone for information on this subject. Her answer was so valuable that Mr. Roberts, on being asked for it, kindly gave permission to have it published.—Mary Lovering Holman.]

In many cases, the *alias* springs from an uncertainty as to the surname, and originates in the period before surnames are fixed. This period continues to a surprisingly late date in some districts, and it is especially common to find the *alias* where one of the names is in fact a Welsh patronymic. Example of this is Thomas *Cromwell, temp.* Henry VIII, whose surname was originally Williams. I think that the well-known Suffolk family of Hovell alias Smith had thus the (Welsh) patronymic "Howell" and the English tradename "Smith." It seems to me likely that in the same way the Denslow family of the Bridport neighborhood had the one surname "Denslow" which *sounds* like a place-name, and the other occupational name of "bailey" or "bailiff." The only satisfactory way of determining how the "alias" arose would be to trace the name backwards through the local records, until one came to the source—a rather speculative search, but Bridport records in particular are plentiful.

Indeed, it is only by studying the history of the particular case that one can be certain of the reason for the *retention* of a second surname. If you will consult such English records as the pardons (which will be found upon the Patent Rolls of which printed Calendars have been issued, and in the Letters and Papers of Henry VIII, also printed), you will see how common it was down to the beginning of the sixteenth century for a man to have not ony two, but several, surnames. If the one was a place-name (as, at a guess, Denslow is), the same

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man could also have a second place-name. For he was just John (say) of London, when in his country home Denslow (?), and John (of Denslow?) when in London. A good example of this is that of the Chaucer family from which Geoffrey Chaucer sprang. In Ipswich they were styled Malyn (doubtless a patronymic or rather matronymic), or Chaucer (a trade-name) or (in some cases) "de London." So the Denslow surname might in one case be for a man who came from Denslow and lived at or near a bailey, or *vice versa*.

The retention of the second surname so late as the eighteenth century is much less common. With such a family as "Hovell alias Smith" there is the obvious motive of distinction from other numerous families of the name Smith. One would want to know in the case of Denslow alias Bailey whether one or other of these names was especially common in the family's habitat, so that a similar distinction was necessary. This could happen where you have, as it were, a "pocket" of one clan in a district—such as the Metcalfes who practically populated the whole of one particular valley in Yorkshire.

For an apparently occupational "alias" retained through two generations, at least, I would refer you to Gladys Scott Thomson, *Two Centuries of Family History* (Longman Green & Co., 1930) pp. 78, 90, 315, 319, for an example from this same Bridport neighborhood. Here Miss Scott Thomson deals with the evidence for the "alias" " Gascoigne," which was used by the Russell family, when they were merchants trading with Gascony; but we never discovered whether the first Russell known to use it may not himself have come from Gascony.

The same book (pp. 56 *et seq.*) deals with the examples of change of name in one branch of a family to distinguish it from another. I have even known this done in my own lifetime. There were two brothers in this neighborhood; one spelt his name "Keer," the other used the spelling "Kerr" and the pronunciation "Carr." Miss Scott Thomson also mentions in a footnote to p. 57 the tradition in the Western counties that an "alias" was very convenient to smugglers. Smuggling

was very common in the isolated villages between Bridport and Weymouth.

There remains the case of the alias as a sign of illegitimacy, or perhaps only as a sign of the mother's importance. The latter was the reason for the change of the name "Russell" to "Gorges" in the branch of the Kingston Russell family of Russells from which sprang Ferdinando Georges. Plainly this is most likely to happen when two well-known families springing from a man, who had two wives, remain in the same neighborhood.

Hence, I can only suggest a considerable number of possible reasons both for the adoption and the retention of an "alias." I fear that nothing but intensive study of the particular case would produce the special reason. Such study might or might not solve the problem. It would be a matter of luck. Records might or might not produce what is wanted. If the retention of the alias was due to sentiment, as one suspects in some cases, it would be even more difficult to discover. One would do well to consult some of the numerous books upon surnames. It is in Ewen's that you are most likely to find a scholarly account of the use of the "alias" generally.

Commercialism in Genealogy

By Donald Lines Jacobus, M.A., F.A.S.G.

The modern commercial spirit has invaded almost every sphere of human activity. Many publishing houses of late years have specialized in "vanity publications." Aspiring poets receive invitations to submit their verses for inclusion in this or that anthology; and then learn that a poem of a few lines will be accepted for inclusion if they will send a check for a few copies of the anthology at so much per copy. And what man who has achieved even a local prominence has failed to receive suave invitations to send the record of his family for inclusion in this or that compendium,

Reputable genealogists of the older generation took a pride in their professional standing; they held it beneath their dignity to solicit work, and some did not even advertise. Very few still maintain so extreme a position. Times change; and with so many commercial firms entering the genealogical field, professional genealogists are more and more driven to the adoption of commercial methods to meet the type of competition which now exists. We should hesitate to criticize a professional genealogist for employing commercial methods. The real criterion of the standing of a genealogist is the quality of his work. The scientist who obtains money for carrying on his experiments, and the anthropologist who obtains money for research expeditions to far countries, are judged by the quality of their work, not by the methods adopted to raise the money to carry on their researches. The genealogist need not be judged by standards more severe.

Commercial standards are not favored by many genealogists because they do not wish to be classed with those commercial houses which have entered the genealogical field. The important thing is the difference in methods of research.

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A competent genealogist, if the solution of a problem is not found in print, or if he has cause to doubt the authenticity of printed data, is equipped to conduct an investigation in the contemporary records, which in the last analysis are the only certain and positive sources of genealogical knowledge. The records which a man left of himself,—his will, his deeds, and the entries relating to his family which were made contemporaneously in the vital registers of his town and church, —these are primary sources, usually authentic beyond dispute. On the other hand, so many family histories and compendiums have been compiled without adequate research in the original archives, or by those who lacked the experience to classify and interpret original data correctly, that genealogists find it desirable in from 80 to 90 per cent of the problems they are called upon to solve, to seek the guidance of the original records. Some genealogists would place the percentage even higher.

The methods of the commercial houses are necessarily different. Plans are made to bring out some sort of genealogical compendium, or a genealogical record of a county or state. The publisher invites a large number of people to be represented in his forthcoming book, and solicits their records for publication. Either a flat charge is made for inclusion, or the "prospect" is expected to subscribe to copies of the book.

The publication of such volumes is a business matter, pure and simple. A very little reflection will show that commercial houses cannot as a rule afford to undertake genuine research or to check and verify the records sent to them. In the first place, the income of the publishing house is derived entirely from sales of its books and the charge (if any) that is made for inclusion in them. Out of this it has to pay actual printing costs, salaries of its clerical staff, a proper proportion of its regular commercial profit. The advertising expense is considerable if printed matter is mailed to "prospects"; it is even higher if a "customer's man" on commission calls personally on "prospects."

When all this expense has been deducted, it is quite evident that genuine research in primary sources can rarely be undertaken by a commercial genealogical publishing house. In fact, few such houses employ genealogists at all. Where there is an editorial staff, its duties too often are confined to the clerical labor of arranging the data supplied by "prospects" or at most to checking it by the use of printed sources which may or may not be reliable. It need scarcely be added that few publications have been issued by commercial houses which have first-rate standing as dependable reference works.

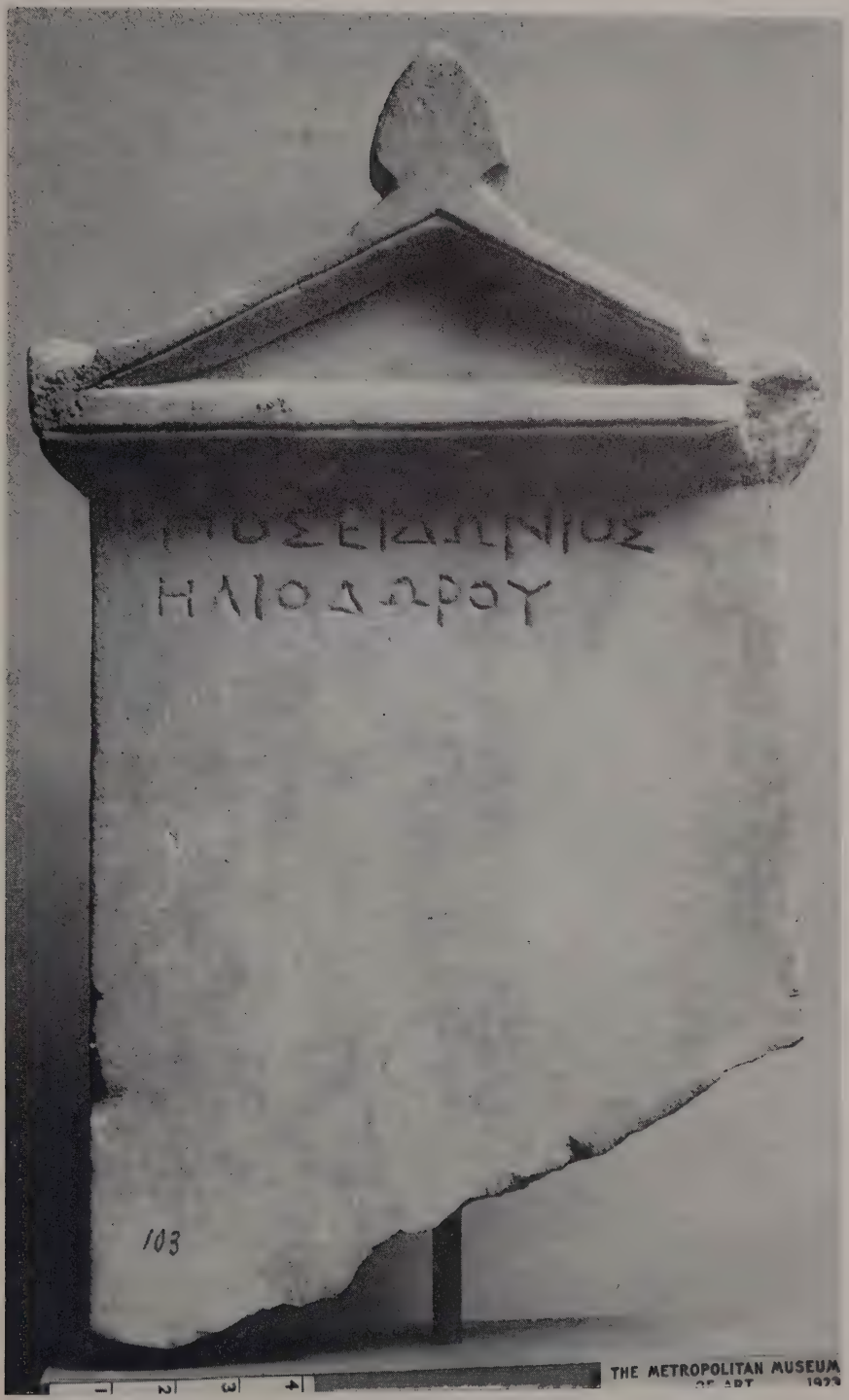
The publications of the commercial houses do indeed perform a useful function, in publishing current or contemporary statistics which will be a guide or provide a clue for future students, just as we are benefited to-day by the old town and county histories, which are distinctly of service when used judiciously and not relied on too blindly. And although, as we have pointed out, commercial organizations are rarely in a position to offer the best *research* facilities, it is only fair to add that *some* of them give very satisfactory service in *other respects,* particularly in the high quality of the paper, type, binding, and illustrations of the books they produce.

In recent years it has become a common practice for publishing houses to incorporate under a title which disguises the commercial nature of the enterprise. There are now operating any number of these pseudo historical or genealogical societies, associations, institutes, or bureaus. This practice invites confusion with non-commercial historical societies and with genealogical bureaus operated by genealogists who give genuine research facilities to their clients.

There are also publishing houses which issue thin "family histories," selecting common surnames which will provide them with many "prospects." The method is to copy material on English families of the name from Burke's Peerage or similar works, introduce matter about early American settlers of the name from Savage and other standard reference books, and add data on some branches of these families from biographical dictionaries, Revolutionary lists, census records, or

other easily accessible printed sources. The resulting hodgepodge is called a family history, which those bearing the name are then invited to buy. One of these firms was closed in 1930 after the postal authorities denied it the use of the mails.

Discrimination is necessary. The standing of any genealogical organization which sends literature or representatives to solicit business should be investigated. Of course the same is true of professional genealogists, among whom varying degrees of competence exist. Though rare, there are publishing firms which offer research facilities comparable to those offered by many genealogists. The quality of the ancestral research done for a client depends on the ability of the person who does it, and that remains true whether one employs a professional genealogist or a commercial organization. But the name of an organization may readily offer the shelter of anonymity to genealogical incompetence. One should therefore be at least as careful in dealing with such firms as one should be in selecting a genealogist.



Genealogical records inscribed on gravestones are of great antiquity. The inscription on this stone reads "Poseidonios son of Heliodoros," dated circa 400 B.C., Cyprus. Cessnola Collection of Antiquities from Cyprus, Metropolitan Museum, New York.

On the Marring of Research Sources

By George McK. Roberts, *F.A.S.G.*
of Hartford, Conn.

There exists in this country a group, small, to be sure, of self-appointed "experts," whose extrovertial activities have made its members almost public nuisances. This group, especially in the fields of genealogy, family history, biography, local history, and the sources of such subjects, has taken upon itself the task of editing, amending, emending, correcting, and maltreating books, periodicals, journals, manuscripts, collections of old newspapers, even original public records. It is not at all unusual to find in such sources of research not only marginal lines of notation, underlineations of the subject matter, but even comments, so-called corrections, eliminations of and additions to the text, and in some deplorable instances, complete obscurance of the original text.

This group is wholly anonymous. It may be that the defacings represent real corrections and additions, but the researchers, while knowing the identity, and possibly, the capacity, of the author, compiler or source of the original or printed material, never knows those of the defacer. None of this group can be considered a researcher in the true sense of the word, nor a genealogist, a historian, or a representative of any legitimate field, but only as a pernicious meddler and an unmitigated evil. The researcher has no difficulty in judging the character and authenticity of the original record or text, and can make such allowances as are necessary for his own sphere of research, but he cannot determine, by any test, the identity, reliability, integrity or other capacity or attribute of the defacer.

It is, therefore, timely that genealogical, historical and similar groups, whether societies, associations, authors, com-

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pilers, publishers, librarians, and the like, use their undoubted influence to abate, or at least discourage and mitigate, this deplorable practice. It is suggested that those having corrections or additions of importance to make to printed sources, type or write these out plainly, signing their names and stating their addresses, on paper of a size to fit into the book to be amended, and then present the paper to the librarian or custodian with the request that it be tipped into the volume at the proper page.

Fair Play

When game laws were first enacted in New York State, they struck the backwoodsmen as a startling novelty, especially as some of them possessed no almanacs and were not accustomed to keeping track of the days of the month. A man of this type, says Dr. Asa Fitch, in his manuscript reminiscences of Washington County, went out hunting to procure food for his large family and killed a deer a few days after the close of the season. A neighbor reported the violation in the hope of collecting half the money fine. But the hunter, when brought before Esquire Martin and found guilty, preferred to receive forty lashes on the bare back rather than pay the five-dollar penalty. Neighbors indignantly gathered to watch the execution of the sentence, but the sheriff, Hamilton McCollister, seemed strangely awkward. His first twenty lashes barely touched the culprit. At this point Esquire Martin told the sheriff to stop.

"The law says that the complainant is entitled to one half the penalty; bring him forward and let him receive it," he ordered. The mean neighbor, who was one of those watching, was accordingly bound to the tree and received the remainder of the punishment, which the sheriff laid on with considerably more dexterity than he had shown in the first part of the performance. It is said that the man never reported another violation.

Noted Europeans of American Descent

By Donald Lines Jacobus, *M.A., F.A.S.G.*

It is not intended to devote much space to the subject, but so many Americans seem interested in tracing their ancestry to noted Europeans that it occurred to the writer it would be interesting to call attention to some of the noted Europeans who could turn the tables by showing an American descent. When full details have appeared in print heretofore, and can be looked up by readers in the larger libraries, we shall merely make brief mention of such descents and refer to the books or magazine articles in which they were set forth. We shall list here only a few of such lines as have come to the attention of the present writer. If some of our readers have noted such cases of exceptional interest, we may later publish a second instalment.

In the last hundred years many American women, mostly belonging to families of wealth, have married into the aristocracy of the Old World, hence it is not rare to find persons in Great Britain, Germany, France, Italy and other countries, among them titled individuals, who possess American ancestry through a mother or grandmother. We have no intention whatever of drawing up a list of such persons; to rate mention, they must be of exceptional personal distinction or else must occupy a position or office of exceptional importance.

It is rather surprising that some Europeans of note would never be thought of as having an American line of descent because they have to trace back a century, sometimes two centuries, before an American connection can be found.

I. *Queen Elizabeth II.*

Her Majesty descends, through her mother, the Dowager Queen, in the twelfth generation from Col. Augustine Warner

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(1611-1674) of Virginia. A great-granddaughter of Col. Warner married Robert Porteus of Newbottle, Virginia, who settled in England in 1720, and through the Porteus, Hodgson and Smith families, the American strain was transmitted to the Bowes-Lyon family of which the Dowager Queen is a member. It is a curious circumstance that both Gen. George Washington and Gen. Robert Edward Lee could trace lines of descent to the same Col. Augustine Warner.

The details are given in *The Genealogists' Magazine* (London,) vol. 8, pp. 368-376, in an article by Anthony R. Wagner, now Richmond Herald, reprinted from *The New York Genealogical and Biographical Record,* vol. 70, pp. 201-206.

II. *Sir Winston Leonard Spencer-Churchill*

That this man of genius, one of the truly great in the fields of statesmanship, oratory and historical writing, is entirely of American colonial descent on the maternal side, is a source of gratification to most Americans. He descends from a considerable number of early settlers in Massachusetts and Connecticut.

These maternal lines are largely set forth in an article by Conklin Mann in *The New York Genealogical and Biographical Record,* vol. 73, pp. 163 *ff.*

III. *Percy Bysshe Shelley*

The poet was son of Sir Timothy Shelley, 2nd Baronet, whose father, Sir Bysshe Shelley, 1st Baronet, was, according to Burke's *Peerage and Baronetage,* son of Timothy Shelley of Fen Place by his wife, "Mrs. Johanna Plum, of New York."

The appellation "Mrs.," I think, does not here imply widowhood, but merely that Johanna was a woman of good family, as the prefix of respect was then applied without discrimination to maids or married women of social standing. I think the place, New York, is incorrect, and that Newark, N.J., is the place meant.

The Plumb, Plumbe or Plum family is derived by its printed family history from a manorial family situated at Great Yeldham, Essex. Certainly the first settler, John Plumb, was a man of standing. While living at Wethersfield, Conn., he served in 1638 as a Magistrate (Assistant) of the Colony, and from 1641 to 1643 represented his town in the General Court. He moved to Branford, Conn., where he died in July 1648. One of his sons, Samuel, moved to Newark, N.J., where he died 22 Jan. 1703/4; his will gave legacies to Joanna and Dorothy, children of his son Samuel. Samuel, Jr., was born at Branford 22 March 1654; he had a sister who was recorded at birth as Johanna, and as we see from his father's will, he had also a daughter Joanna. He had a sister Sarah who married John Meadlis.

In 1746 Timothy Shelly is named as a creditor of the estate of John Carrington of Newark, who died in 1732 directing by nuncupative will that John Meadliss and three others take charge of his estate. This places Timothy Shelley in Newark at that time, and shows a correction with John Meadlis, brother-in-law of Samuel Plumb, Jr., who had a daughter Joanna. This may be the Joanna Plumb who married Timothy Shelley and became great-grandmother of the poet. Timothy Shelley is said to have been born in 1700. Further evidence will be welcomed, but there seems to be no doubt as to the poet having an American line of descent.

English Feudal Genealogy

By G. Andrews Moriarty, A.M., LL.B., F.S.A.

Historians, especially of the academic variety, are apt to look *de haut en bas* upon genealogical studies, yet, as one of our greatest mediæval historians once warned, the historian cannot afford to ignore genealogy, Cinderella though she be among the auxiliary sciences. This is especially true of the mediæval period, where the proper understanding of political as well as social and economic history is greatly aided by genealogical studies. As Dr. Round showed in his "Geoffrey de Mandeville," no clear idea can be arrived at regarding the confused anarchy which characterized the struggle between Stephen and the Empress, without a knowledge of the family connections and ramifications of the redoubtable Earl of Essex. In like manner, a knowledge of the family and connections of the Fitz Walters is of the greatest use in the study of the coalition which wrenched the Great Charter from John. In the field of social and economic history, genealogy is no less useful. The pedigrees of villain families published by Miss Cam (*The Genealogists' Magazine,* London, Vol. 6, pp. 306-310) throw considerable light on the social conditions of the mediæval villager. Genealogical studies are still more useful in connection with the economic and social life of both the baronial and knightly classes. To cite a single example: the fall of the great Northern baronial house of Bertram of Mitford in the latter half of the reign of Henry III through the alienation of their fees, necessitated by debts to the Jews, throws a searching light on the economic troubles of the upper classes in the thirteenth century and upon the popular outcry which brought about the expulsion of Jewry from England in the succeeding reign. All of our leading

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historians of mediæval England, Professor Freeman, Bishop Stubbs, and above all Dr. Round, were enthusiastic genealogists and were greatly aided thereby in their historical work.

The study of mediæval genealogy may be divided into three main divisions. First: genealogies compiled in the middle ages. Secondly: genealogies made in the sixteenth and seventeenth centuries, the period of the Tudor and Stuart compilations. Thirdly: modern scientific studies of mediæval genealogy.

Genealogical compilations of the Middle Ages in England are, upon the whole, rather scarce. England never possessed a compilation comparable with the "Nobiliairo" of Dom Pedro, the Portuguese princely genealogist of the fourteenth century. Neither the Saxons or Normans or their descendants, the mediæval English, were interested, to any great extent, in genealogy for its own sake, offering a striking contrast in this respect with their Keltic neighbors. Genealogical studies in the England of the middle ages were, generally speaking, of secondary interest and were pursued primarily for their use in establishing property rights and for the purpose of showing the descent of fees. It follows, therefore, that the largest collection of mediæval pedigrees is embodied in the pleadings drawn up in litigation over land, and these are buried away in the vast and uncalendared records of the Curia Regis, the De Banco Rolls and the Assize Rolls, the great number of which render the searching of them expensive in both time and money. Generally these pedigrees, compiled for legal purposes, are accurate and can be relied upon, but it must be remembered that they are *ex parte* statements made up to support a claim and give only one side of the story in a law case. The pedigrees are often of considerable length and then must be checked by reference to other contemporary records. I have in mind such a pedigree, compiled in the reign of Edward III in connection with a dispute over the advowson of a Northamptonshire church, which sets out nine generations. Naturally a pedigree of such length cannot be accepted without further checking. Such testing showed that,

while inaccurate in some minor details, the descent set forth was, upon the whole, correct. These pedigrees from the Plea Rolls are among the best genealogical compilations of the period.

Next in volume are the "Genealogia Fundatoris" to be found in the Chartularies and Registers of the various monastic houses; it being the custom of the monks to insert therein a genealogy of the founder's family. The duty of compiling these pedigrees was assigned to certain brothers of the foundation and, as is to be expected, they vary greatly in their value. In some cases the compiler was a careful and able antiquary, who used great care in his work, while to others it was a routine task performed in a perfunctory and careless fashion. One difficulty for the modern scholar in dealing with these pedigrees is the total lack of reference to the authority for the various statements contained therein. In some cases these may be proved or disproved today by recourse to surviving record evidence. But in many cases statements cannot be either proved or disproved and we must always remember that the compilers saw things which we do not now see. In such cases all that the modern scholar can do is to call attention to the statement and give it such weight as is in accord with the value of the compilation in general.

In this connection it may be of some value to take a concrete instance in order to show the troubles of a scientific worker in the field of mediæval genealogy today. The genealogy to be considered is that of the founder of the Priory of Abergavenny recorded in the Chartulary. In this case the compiler was a very indifferent and careless antiquary. It is here stated that one Dru de Ballon had three sons, Hameline, Wyonoc and Wynebaud de Ballon, and three daughters, Emma, Lucy and Beatrix. Hameline and his brothers came to England with the Conqueror. Hameline was the brother of Lucy, Countess of the Isle, and was the first lord of Over Gwent. He built a castle at Bergavenny at a place where a giant Agros had formerly had one. This Hameline lived in the reign of the Conqueror and died on the Nones of

March in the reign of William Rufus and was buried in the Priory of Abergavenny, which he had founded. He had no issue and he gave the said castle and his lands of Over Gwent to Brian Fitz Count de Insula, son of his sister, Lucy. Brian held the aforesaid castle and lands throughout the reign of William Rufus. He had two sons, who were lepers and whom he placed in the Priory, which his uncle Hameline had founded. Thereafter, the said Brian took the Cross and went to Jerusalem and then gave his lands in Over Gwent to Waiter the Constable of England (*i.e.* Walter Fitz Roger de Pitres, the Constable of Gloucester), his kinsman, who held this fee. Such is the account given by the Abergavenny monk of the Ballons. Let us now see what the facts actually were. The story of "the giant Agros" argues ill for the above account and when we examine it critically we find our doubts fully confirmed. Hameline and Winebaud de Ballon were actually persons, who played a considerable role on the Welsh Marches, but the remaining brother Wyonoc, named by the Abergavenny monk, nowhere appears in contemporary records. However, we cannot state as a fact that he never existed but must call attention to him with the *caveat* that his existence rests on very unreliable authority. Domesday knows nothing of the Ballons, who evidently arrived in England from Ballon in Maine in the reign of William Rufus, and they were undoubtedly Maine lords, who had assisted Rufus in his campaigns against Count Helias, for which they were rewarded with lands on the Welsh border, where Hameline founded Abergavenny Priory. Hameline left issue, as has been shown by Dr. Round, a daughter and heiress, Emeline, who married "Reginald son of the Count" and had issue a son, William de Ballon, from whom the later family of that name descended. Reginald was the son of the luckless Roger Earl of Hereford and grandson of the great William Fitz Osbern (*cf. Peerage and Family History*, by Dr. J. Horace Round, pp. 201-205). It is to be observed that the fee of Hameline did not pass to his daughter, probably because of the disgrace of the house of Fitz Osbern,

Central Search Room, National Archives, Washington, D.C.
(Photograph courtesy of the National Archives.)

but was given by Henry I to Brian Fitz Count, who was holding Abergavenny as early as 1119. Winebaud, brother of Hameline de Ballon, had issue two sons Roger and Miles, who died *s.p.*, and a daughter, who became the mother of Henry de Newmarch. Brian Fitz Count was a baron of considerable importance in the reigns of Henry I and of Matilda and Stephen. He was a bastard son of Count Alan of Brittany and had nothing whatsoever to do with any "Isle." He was a favorite of Henry I, who gave him Hameline's fee of Over Gwent as early as 1119, and he was Governor of that district as late as 1136. He was an active adherent of the Empress and between July 1141 and Dec. 1142 the Empress, at his request, gave the castle of Abergavenny etc. to Miles de Gloucester, Earl of Hereford (son of Walter Fitz Roger, Constable of Gloucester). This Miles de Gloucester was a close associate of Brian Fitz Count (*cf.* N.P.C., ed. Gibbs, Vol. 6, p. 453). We now see how unreliable was the account of the Ballons in the "Genealogia Foundatoris" of Abergavenny Priory. All this has been considered by Dr. Round in his "Family of Ballon" (*op. cit.*). We may, however, venture some further conjectures, which are most probable. Miles, Earl of Hereford, had four sons Roger, Walter, Mahel and Henry, all of whom died childless, and the de Gloucester fee was divided between their sisters, Margaret, wife of Humphrey de Bohun, who had the Constableship with her, Berta, wife of Philip de Briouze, and Lucy, wife of Herbert Fitz Herbert. William de Briouze, son of Berta, confirmed to Abergavenny the gifts made by Hameline de Ballon, Brian Fitz Count and Walter and Henry de Hereford (Mon. Ang. VI, 616); he also confirmed the gifts of Earl Miles (his grandfather) and of Earl Roger, his uncle, as well as those of Walter, Henry and Mahel (*ib.* III. 226). The repetition of the names of Miles and Lucy in the families of Ballon and de Gloucester is suggestive and it seems likely that there was some foundation of fact in part of the narrative of the Abergavenny monk, *i.e.* that Brian Fitz Count was the son of Lucy de Ballon, sister of Hameline, and that

Berta, wife of Walter Fitz Roger, the Constable, and the mother of Earl Miles, was another sister (*cf.* my monograph, "The Wife of Walter the Sheriff," in *The Genealogists' Magazine,* London, Vol. 4, p. 32; see also N.C.P., ed. Gibbs, Vol. 6, p. 452n). This story of the Ballons illustrates some of the difficulties encountered when dealing with these monastic pedigrees. The fact that Walter de Gloucester the Constable sometimes appears as "Walter Fitz Roger," again as "Walter de Gloucester," and yet again as "Walter the Sheriff," adds to the difficulties of a twelfth century genealogy.

The third class of genealogies compiled in the Middle Ages were those drawn up for certain persons by a monk of a foundation, usually, but not necessarily, connected with his family. These genealogies are unfortunately rather rare, as they are generally of a high grade of antiquarian research. The compilers were usually fully qualified for the work, which was done in a careful and critical spirit and such pedigrees furnish a striking contrast with the uncritical, careless and often downright fraudulent pedigrees compiled in the next age. Outstanding among such pedigrees are the great Nevill descent drawn up for the Kingmaker and the pedigree compiled by "the monk of Jervaulx" for the Fitz Hughs between 1430 and 1436. These pedigrees are of such a high order that when one comes upon a statement in them, which cannot now be verified, one is inclined to give it great weight, especially when one remembers that the compiler had access to muniments which have long since disappeared. The collection of pedigrees compiled between 1480 and 1500 which have been printed by the Surtees Society (1930) under the title of "Visitation of the North" is of equal excellence. These pedigrees, which relate to Northern families, have survived in two manuscripts of a later date, one in the collections of that great antiquary, Roger Dodsworth, who labeled it "very authentical," and the other in the handwriting of the Garter Wriothesley and so copied about 1530. Examination of these pedigrees shows a very high degree of accuracy, and the careful listing of all the younger children is in marked contrast

with the so-called Visitation Pedigrees of the next century. When one considers the date at which they were compiled, obviously from information furnished by members of the various families, it is clear that they are authoritative as far back at least as Agincourt time. In view of the scanty condition of the public records for the fifteenth century, these pedigrees are most valuable.

We have now considered the genealogical compilations of the mediæval period and must next consider the great mass of pedigrees for that period compiled in the sixteenth and seventeenth centuries. These form the great bulk of existing mediæval genealogy. The contrast with the older work is a striking one. They were for the most part compiled for purely genealogical purpose and to flatter the pride of the *novi homines,* who arose in the social and economic revolution, which ushered in the modern world of today. The compilers, with some notable exceptions, such as Somerest Glover, Garter Dugdale and Roger Dodsworth, were men totally without critical faculty or scientific outlook. The pedigrees are strung together without sufficient consideration and are, I regret to say, often downright forgeries. The age of Elizabeth was especially notorious for its spurious pedigrees and the depths then reached by the pedigree makers were only equaled by those attained in the early and mid Victorian era. Among the worst offenders were the officers of the then recently established College of Arms. Elizabeth's famous remark to the successor of Clarenceaux Cooke "that if he were no better than his predecessor, it were no great matter than that he were hanged" expresses accurately the standards then prevailing among the official makers of pedigrees. The pedigrees drawn up by these people can never be accepted for more than three or four generations back of the time they were compiled without further evidence, but here also one has to remember that the makers saw documents no longer in existence and hence statements contained in them, which cannot be verified, must be referred to with a *caveat* as to their value.

In spite of the poor grade of work turned out at this period, the age produced several antiquaries of outstanding achievement, such as Glover at the end of the sixteenth century and Dodsworth and Dugdale in the next century. Dugdale's Baronage published in 1675 is the first work of its kind which cited sources and in spite of its errors has remained until our time the chief compilation of feudal genealogies.

From the time of Dugdale until the latter half of the last century, the study of feudal genealogy was at a standstill; men were, for the most part, content with Dugdale, and his work formed the basis of all feudal genealogical studies in the eighteen and nineteenth centuries. In the second half of the latter century, the new school of mediæval genealogical studies commenced with John Gough Nichols and was perfected by the exacting scholarship of Dr. Round and Oswald Barron. Today the study of feudal genealogy, based upon a critical and exhaustive use of source material, and greatly assisted by the monumental publications of record matter by the British Government, is at a higher state of efficiency than at any previous period. Today, for the first time, the true history of the mediæval baronage and knightage is becoming known with a corresponding advantage to the historian of the period. The latter occasionally makes use of some genealogical fact, in blissful ignorance of the vast amount of exhausting and painful labor, which may have gone into furnishing him with that single item. Truly the mediæval genealogist makes the bricks with which the historian may build up some part of his edifice.

Tricks in Using Indexed Genealogical Books

By Donald Lines Jacobus, M.A., F.A.S.G.

Intelligent and experienced readers will, I fear, feel insulted to be told things they long have known and practiced Those who are sure they know all the tricks that can be employed in handling the indexes in family histories are therefore requested to skip this page with a sniff of disdain.

Many family histories, particularly the older ones, have a series of indexes. Thus, there is an old Peck genealogy which has two indexes apiece (Peck names and the surnames of non-Pecks) for *each* of the Peck families included, and unless you know with which Peck family your sought individual was affiliated, you have to plow through all the indexes. A Munson genealogy has five indexes: one for Munson-name descendants, a second for other-name descendants, a third for those who married Munsons, a fourth for places where Munsons lived, and a fifth (*incomplete*) index of persons mentioned in the text but not related by marriage. Readers will recall an even greater elaboration of indexes in a few books, where males and females of the Fauntleroy name (let us say) are kept uncontaminated in separate indexes, while men who married Fauntleroy girls are carefully screened from the women who became wives of the Fauntleroy men.

So the first caution is to find out how many indexes there are. Never turn to the back of the book, cast your eye down a list of names, and hastily conclude that the name you seek is not there. Find out whether the book is of the multiple-index type, and try *all* the indexes that may help. It is often wise to turn to the beginning of the index section

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and read the explanation (if any is given) of what is included in the index or indexes.

A few family histories have the index in the front instead of the back of the book. It may even be found in the middle. On my first encounter with a mammoth Humphrey's genealogy, I was surprised to see so small an index for so large a volume, but soon discovered that it covers only the last section; the main index is buried part way through the second half of the volume, following the main Humphreys family. Two-volume family histories sometimes have an index for each volume, but others have a combined index at the end of the second volume, while a few have a separate index volume covering the entire work. Monnette's *First Settlers of Piscataway and Woodbridge* (seven volumes) has an index plump in the middle of the seventh volume, the remainder of the volume not being indexed.

Some indexes do not include all the data given in the book itself. A genealogy of the Robert Chapman family contains information also on the William Chapman family, but only Robert's descendants are indexed. A lady doing genealogical work professionally wrote me years ago to ask if I could locate Sanford who, she assured me, was *not* identified in the two big volumes of the Sanford family history. Nevertheless, I thought he probably was, and it took about five minutes to locate him. Here only the main part of the publication, dealing with the Robert Sanford family, is indexed. The compiler thoughtfully included such data as he had picked up on the other Sanford families of New England, but neglected to index them. In such cases, unless the books consulted happen to be among those included in *The American Genealogical Index,* one simply has to thumb through the unindexed sections of such books.

Many books, replete with genealogical data, index the given names of those born into the family, but only the surnames of those who married into the family or descended from it in female lines. In most cases, if the inquirer knows the names of both husband and wife, it obviously takes less

time to look for the name of the outsider who married into the family with which the book is concerned. Thus if an Amos Dudley married a Mary Williams, and you are seeking Mary's ancestry in a Williams genealogy, it is far easier to look up one or two page references to an Amos Dudley than to examine 58 or 60 pages where a Mary Williams appears.

But when only the surnames of those allied by marriage are indexed, and there are 58 page references to Mary Williams and 33 page references to people named Dudley, there is a quick way to locate Amos Dudley and *your* Mary Williams if the book contains their marriage. Check the pages given for Dudley against those given for the various Marys in the Williams index until you find one or two identical pages. If there is both a Dudley and a Mary Williams on pages 138 and 326, then you have only *two* pages to examine instead of 33 or 58, and what you seek is probably on one of these pages.

If this method fails because the compiler has not found and given this Williams-Dudley marriage, then of course there is no way to avoid a laborious search of the book to locate all Marys in the Williams family of proper age for the Dudley marriage and not married off to someone else. If the genealogy is a poor one, your Mary may even *be* there but assigned in marriage to the wrong husband and, if you suspect error, original record sources may have to be searched to straighten out the matter.

Do not be discouraged too readily if the name you seek is not found immediately. If the surname is one subject to variation in spelling, it may be listed in an index but not under the form which you consider standard. Try other possible spellings. The printed volumes of the 1790 Census index names under the precise spellings employed by the enumerators, some of whom were not very literate. The index does not combine the heads of households under one standard or usual spelling, nor does it even give cross-references to other spellings. On one occasion I missed a Benjamin Seeley

(Seelye, Sealy, Celey, etc.) who might have been living in Sandgate, Vt., in 1790. After trying in the index every variation I could think of, I turned in desperation to the names listed in the text under Sandgate and began reading them through, and there I came upon "Sceely, Benjm," a variant spelling I had never seen elsewhere and which had not occurred to me.

Massachussets Soldiers and Sailors in the Revolutionary War (17 vols.) follows the spellings of names as written in the rosters or archives. At the beginning of each surname, a cross-reference is made to the standard or most frequently used spelling, and at the beginning of that, references will be found to *all* variant spellings in the work. It is easy to overlook the service of your ancestor unless full use is made of these references.

Inconsistencies occur in the indexes of many genealogical books. One gets the impression that the index of Manwaring's *Digest of the Early Connecticut Probate Records* (3 vols.) follows the spelling of each surname as it appears in the original record and in the text of the book. For example, near the beginning of the index to the first volume, the surnames Andarus, Andrews, Andross, Adrus and Andruss all appear, with cross-references back and forth. However, one looking for the name Stiles will fail to find it at all in this index; it does not appear even for the purpose of cross-reference. Yet upon looking under Styles, nine individual names are found, to whom are assigned 20 page references. The queerest feature of these entries is that, if one consults the pages of text referred to, it is found that in 16 of the 20 reference entries the name in the text is actually spelled Stiles, while in only four is it spelled Styles, the only spelling found in the index.

While inconsistent, such vagary would not mislead the user if a cross-reference were given under Stiles, like the numerous ones found for the variant forms of Andrews. As a matter of fact, indexing is a difficult art and poses many problems. The indexer may not always *know* that certain

variant spellings were intended for the same name. In the Manwaring volume just cited, there are two index references to Thomas Tomlins, and one to Thomas Tomlinson. They refer to the same man. The present writer, in indexing *The American Genealogist,* has usually followed the standard or most common spelling of names rather than the precise variant spelling or misspelling found in records cited in the text. This system should make the index of greater use to the average searcher. Yet there are surnames so spelled that they may be variants of well-known surnames or may be intended for entirely distinct names. For example, "Cole" in a very old quoted record is probably the name which is now so spelled, but just possibly may be an antique way of writing the two syllable name "Coley." "Gaillard" is quite likely a variant of "Gaylord," but in a specific case may be a distinct name. Unless the context makes it clear what surname is intended, the only safe solution is to index it as spelled in the text. Hence there is some unavoidable inconsistency in the indexes of genealogical publications, regardless of the method adopted and usually followed.

Standardization can be carried too far in indexes. Years ago I contributed an article on the Wooster family to a genealogical quarterly, and the entire family group was indexed under Worcester. To be sure, Wooster was originally a corruption of Worcester. The fact remains that the two chief families in New England with a name so pronounced were the Massachusetts family which consistently spelled it Worcester and the Connecticut family which consistently spelled it Wooster. Here indexing under separate spellings would have more utility than combining them, for when combined in a general index the reader may have to look up twice as many references as should be necessary, since he is unable to tell until he consults the volume and page in each case whether he will find a Worcester or a Wooster.

Those who use the indexes in genealogical books must bear all the above factors in mind, for they cause a wide variation in the methods by indexers and in the nature of

the indexes produced. Many have been compiled by inexperienced people, some by careless people, and some by doctrinaires who followed their own eccentric—even bizarre—notions. The best and most experienced indexers are occasionally guilty of some oversight or of a lapse in judgment. The moral is for the searcher not to give up too easily, but to determine the nature of the genealogical book he is consulting and the type of index or indexes provided in it, and then to try every trick before concluding that the book can be of no aid.

Local History and Genealogy Room Library of Congress

By Meredith B. Colket, Jr. (*in collaboration with* Edward H. Preston)

The Library of Congress, Washington, D. C., has available to the public one of the largest collections of genealogical works in the world.

One room of this Library is devoted specifically to requests for genealogical publications. It is known as the Local History and Genealogy Room and serves hundreds of readers each week.

The service that the Library can render in connection with this collection is necessarily limited, and by no means extends broadly as has been indicated by certain newspaper articles. The Library can generally point out sources of information, but it cannot undertake for its correspondents research work (genealogical or otherwise) which readers on the premises undertake for themselves. Were it to do so, it would be overwhelmed with applications that would divert its assistants permanently from their regular duties.

The room adjoins the Thomas Jefferson Reading Room on the fifth floor of the Library of Congress Annex. The Annex was completed in 1939 at a cost of more than $8,000,000. It is connected with the Main Building through an underground tunnel. In addition to the processing divisions which are located on the lower floors, there are two public reading rooms, alike in design and equal in size (approximately 60 feet by 100 feet), situated on the fifth floor. These are designated as the North and Thomas Jefferson Reading Rooms and have a combined seating capacity for more than 520 readers.

The rooms were planned in accordance with the highest standards of modern architecture. Marble and plaster pillars adorn the sides over which are murals. The murals in the reading room on the south honor Thomas Jefferson and illustrate quotations from his works. They were painted by Ezra Winter, a native of Michigan, whose artistic work may

be found also in New York City, Rochester, Providence and elsewhere. Rows of long tables in these rooms contain direct lighting fixtures so arranged that a reader may use any one of three intensities of light. Air conditioning relieves the strain of working in Washington's hot summer days.

Requests for books, including genealogies, are handed in to the Central Reference Desk. With the exception of materials in special collections, almost any book in either building may be delivered to readers in the Thomas Jefferson Reading Room.

For some time, the Library has not admitted readers to its genealogical stacks. This practice has been necessary because of the large number of people who daily use the collection. But this handicap is, in a large measure, compensated for by the genealogical reference collection which should delight the heart of any reader. It provides on open shelves a wide selection of nearly 5,000 books on the one hand and splendid card indices of finding media on the other. Intelligent use of these facilities saves much time for the experienced genealogist; while the novice is led directly to the most likely sources for his problem without having to spend hours wading through unnecessary volumes to find what he wants. These open shelves are a boon to any researcher irrespective of the section of the country in which he is interested. It might be well here to list just a few of the many publications available on these shelves, though it must be admitted that even this list is hardly a bird's-eye view:

The printed New England vital records; *The American Genealogist;* Waters' *Genealogical Gleanings;* Cokayne's *Complete Peerage,* including the rare first edition; the *Dictionary of American Biography* and the *National Cyclopedia of American Biography;* the *Magazine* and *Lineage Books* of the Daughters of the American Revolution; a large collection of military records dealing with the Revolutionary War, the War of 1812 and the Civil War; selected portions of the *New Jersey* and *Pennsylvania Archives;* the First Federal Census (1790); the *New England Historical and Genea-*

logical Register and the *New York Genealogical and Biographical Record;* the *Mayflower Index; Hinshaw's Encyclopedia of Quaker Genealogy;* Swem's *Virginia Historical Index* with the related Virginia periodicals; and Royden Vosburgh's 100-typescript volumes of New York State church records with one volume index.

The finding media consist of several types of indices. There is the card catalog of American and English genealogies in the Library of Congress as well as the author index of the auxiliary sciences of history, which includes genealogy and heraldry. Nearby is a chart entitled "Guide to Materials in the United States Local History," which is in effect a guide to a card shelf list of local histories arranged by States. With the aid of this chart, a reader can quickly locate specific information on a given topic of local history. Besides this is an author index for local histories so that a particular work can be found readily if the writer's name is known. In addition, there are several specialized indices which must be used to be appreciated. Among these is an Heraldic Catalog; a Biographical Index for Alabama, Arizona, Arkansas, California, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, and Texas; the American Genealogical Foundation Index; and bibliographies of published English heraldic visitation pedigrees. Available also through this Room is a splendid collection of British local histories and publications of county record societies, considered to be one of the finest of its kind in the United States.

The large collection includes 14,000 volumes of compiled American genealogy, 3,300 volumes of compiled British genealogy, 5,400 volumes of Continental European genealogy, 2,400 volumes of heraldry, and 77,500 volumes of United States local history, or a total of 102,600 volumes. These figures are estimates based upon total numbers of Library of Congress cards. The volumes are housed on one of the spacious book decks directly beneath the Thomas Jefferson Reading Room; and as books are requested by readers, they are

delivered to this reading room from the stacks on a continuous belt book conveyor. The library secures its books from such sources as copyright deposits, gifts, purchases as well as exchanges and transfers from other institutions and includes the latest materials relating to genealogy and allied subjects. It is constantly adding to this genealogical collection and welcomes deposits of family records.

The above, however, constitutes only a part of the genealogical facilities offered by the Library of Congress. In the Rare Book Room there are a number of genealogies including the manuscript collection of the late Col. Charles E. Banks, of greatest value to those who are attempting to identify the English ancestry of a New England colonial settler. In the North Reading Room is the Newspaper Reference Room where bound newspapers from all parts of the world are available. This is particularly helpful for those searching for vital records. There is also much of value to the genealogical searcher in the Manuscript Division located on the third floor of the Annex; and in the Map Division located on the first floor of the Annex.

The Local History and Genealogy Room is open to the public Monday through Friday from 9:00 a.m. to 5:45 p.m. (Searchers wishing to work until 10 p.m., however, may continue to use the materials they are consulting in the Reading Room at the main Library of Congress building.) The Room is also open on Saturdays from 9:00 a.m. to 6:00 p.m., except that after 12:45 p.m. stack service is not rendered and no attendant is on duty there. In addition, the Room is open Sundays and holidays (except Christmas and July 4th) from 2 p.m. to 6 p.m.

Finally, this Room has a fine staff of assistants who know their collection well and who are efficient, helpful and courteous. The genealogical student has much to be grateful for in the splendid cooperation of the authorities at the Library of Congress to make his searches both pleasant and fruitful.

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Public Officials and Professional Genealogists

By Donald Lines Jacobus, M.A.
New Haven, Conn.

Several subscribers have written to ask me how to get public officials to reply to their requests for information. I have replied that if I had a method, I would patent it, for it would be too valuable a secret to give away.

When novices in genealogical research begin to learn that printed sources do not contain all the information they desire, or are conflicting and undependable in their statements, the next step is often, and quite naturally, to write to the Town Clerk or the Probate Office of the section where the ancestors lived. It commonly happens that no reply is received, and the inquirer cannot understand it, especially when postage was sent.

Public officials, to be fair to them, are often not at fault. It is their duty to provide certified copies of public records when stipulated fees are paid. Occasionally one contacts an official who takes a real interest in the old records in his charge, and makes an intelligent effort to aid inquirers. The average official, however, lacks genealogical talent and training, and is not very familiar with the older records in his charge. The usual requests are for modern records with which he is familiar; a birth certificate for a youngster to prove that he is of age to go to work, or a search of title for one who is purchasing realty.

Many inquirers have had no personal experience with early records and hence do not know what to ask for. Some novices write many pages to an official, telling all they know of their ancestry, which so confuses the recipient that he is likely to

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throw the letter aside. Others write this sort of letter: "My ancestor James Davis was born in your town about 1750. Will you please send me his ancestry back to the first settler and his service in the Revolutionary War."

That type of request is certain to make an official tear his hair and think unpleasant things about the whole tribe of genealogists. It is based on the naive belief that every person's ancestry is neatly tabulated in the records, and that the official can sit down and copy it off for a dollar or so. That, of course, is not true. There are records of several different classes in which information can be found, but they are of a haphazard sort and each entry has to be dug out singly and then the pertinent entries have to be selected and built into a pedigree. This can rarely be done on the basis of vital statistics alone. The vital records are often deficient, sometimes non-existent; or they may disclose that two men named James Davis were born not far apart; and the information contained in probate, land and other records has to be gleaned and correlated with the vital records before one can feel certain of the correct line of descent.

This sort of work requires special experience and qualifications on the part of the searcher. It is positively not the *duty* of a public official to undertake genealogical studies of this sort, even if qualified to do it. No more can be *required* of an official than that he should furnish copies of definite specified records for a fee which is usually set by law. The inquirer is entitled to write and ask for a copy of the record of birth of James Davis, about 1750. This may cost fifty cents; it may cost more if the early records are unindexed and the official has to spend time on a page by page search. On rare occasions—very rare—a courteous official will supply a record or two without charge, but that should never be expected. In some places the official draws no salary and receives no compensation except from fees.

A common mistake is made by some inexperienced inquirers when they write to the National Archives in Washington, or to the Adjutant General of a state, or to a State Library,

and obtain certificates giving military service of James Davis —if that was the name desired. The officials or clerks in these government or state offices have no way to determine whether the services described belonged to the ancestor of the inquirer. The name of James Davis appears in a muster roll of the Revolution. The name may appear in several muster rolls. The services may pertain to one James Davis, or they may pertain to several men of the name. It often requires hours of study and research in other record sources to establish the identity of the one or more men of a given name which appears in muster rolls. The certificate supplied by public officials shows merely that certain services are attributed to certain *names*. The inquirer should not too readily assume identity of the man who served with his own ancestor of that name. It is surprising how often names, even fairly uncommon names, were duplicated. It is the problem of the inquirer, not of the official, to prove the *identity* of the soldier.

It has been my experience that the average official is courteous and willing to aid when an inquiry falls properly within his province and when the inquirer expects to pay the regular fee, which usually is moderate. When one's own knowledge is very indefinite and he does not know just what to ask for without going into considerable detail concerning his family history and traditions, it is best to ask for a copy of all vital entries of the desired surname between specified dates, explaining that the copy need not be certified. The official may be willing to give a "wholesale rate" for a dozen or so entries falling within a given period of time. The inquirer gains the advantage of studying all the entries, and if necessary can later pay for certification of the one or two entries which are important to him.

An amateur friend told me an incident which befell him in a Massachusetts town. He received no help at all from the Town Clerk, and only grouchy replies, when he sought to learn where the general index was kept. So he poked about and found what he wanted. Before leaving, he told the Town Clerk how delighted he was to have seen records of his an-

cestors there. The official said apologetically: "Oh, were you looking up your own ancestors? I thought you were one of those *professional* genealogists." I did not consider the story very flattering to members of my craft, but had my revenge on a recent visit to a Connecticut town hall where an official told me, "I don't mind you professional genealogists, for you go to the vault like the title searchers and get your own books and don't bother us. But a lot of these *amateurs* come in, sometimes a whole family of them together, and they take all the chairs, ask us to get books for them, and leave us to put them away."

Sometimes a great deal can be accomplished at moderate cost by writing to public officials for information, especially in small towns where the officials are members of the old families of the region and may take an almost personal interest in your search. In the larger cities, however, it is rare indeed to secure good results from officials; too often, the requests are answered by young clerks who have had no experience and take no interest in searching the earlier records. Conditions in New York City are particularly unfavorable to research.

The employment of a professional genealogist has some advantages, particularly if a competent searcher is selected who has minute knowledge of the records of the region where the search is made. Often the genealogist can cover in a few hours several classes of public records, which otherwise could only be obtained by writing to several officials with possible delay and disappointment. The results obtained are sometimes more satisfactory, because an experienced genealogist knows just what to look for, and should be more apt at interpreting the significance of records and discovering clues in them than an official whose usual work does not train him for this type of research.

Those who employ a professional genealogist do not always obtain satisfactory results. The fault may or may not be that of the searcher. It must be recognized that genealogy is not an academic subject; there are at present no degrees

conferred by educational institutions for proficiency in genealogy at the end of a prescribed course of training. Any individual is privileged to have "genealogist" printed on his card or letterhead. Not many who so advertise themselves are deliberately fraudulent, though with a very few it has been a "racket" to fabricate exalted pedigrees for the uninitiate. Wide differences, however, in natural aptitude and breadth of experience, will be found among searchers who work for a fee.

One has no choice in the case of a public official, for one has to seek the aid of the official who has custody of the records which are to be searched. A genealogist can be selected with care; his printed books and articles may be examined to "get a line on" his ability; inquiry may be made as to his standing and reputation; or he himself may be requested to give references to former clients.

One of the chief causes of dissatisfaction in dealing with a genealogist is the difficulty of making satisfactory financial arrangements. Nobody likes to give a stranger an unlimited commission to make a search. The inclination of the inquirer is to offer to pay a definite amount for the information desired, or to ask the genealogist what he will charge for the information. Such an arrangement is hardly fair to the genealogist except on the rare occasions when he happens to have the desired information already in his files. The genealogist can, and should if requested, give a fairly close estimate of the cost of searching definite record sources in a specified place. He cannot promise that the desired information will be found in the records; that is a chance which his employer has to take. Like all professional people, the genealogist has nothing to offer, and nothing to depend on for his livelihood, except his knowledge, his skill, and his time. He has to charge for his time and his necessary traveling expenses, whatever the outcome of the search. No genealogist, unless he has other sources of income, can afford to undertake a search on a contingent basis, to be paid only in the event of success. He is not responsible if the records searched are defective and

do not contain the entries which one might reasonably hope to find in them.

The proper procedure, therefore, after selecting a genealogist with care, is to ask for an estimate of the cost of the desired search, and then either to accept or reject the estimate. If accepted, the account should be paid regardless of the results. The report of the genealogist should of course explain the conditions encountered, in the event of failure, and copies of any records that might have a bearing on the problem.

Some Experiences in Genealogical Work

By Harold W. Atkinson, M.B.E., M.A.

It happens sometimes in the course of genealogical work that the more familiar methods and sources of information are insufficient and that recourse must be had to others suited to a particular case. Some examples from my own work may prove suggestive to other genealogists.

In default of specific material from Registers, Wills, etc., sufficient for the identification of a person or for proof of descent, it may be possible to establish these by accumulation of circumstantial evidence.

Some small or apparently insignificant details may lead to a valuable clue.

Some less known sources of information are often worth attention, either in local archives or among certain records at the Public Record Office that have become available only in the last year or two.

Though readers are hardly likely to be interested in the families or persons mentioned, I shall retain the actual names and dates, piecing together the details of evidence as they developed; this will, I think, make the reading more interesting than it would be if I took hypothetical cases and suggested what searches might be made.

A difficulty may arise in connecting or identifying a family or person in one place with a person or family in another place, or a person in the Quaker Registers with one in a Church Register, especially in the earlier Quaker times when the registers were less well kept and gave less detail than was the case later.

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Samuel Beavington, tanner, of Chipping Campden, co. Glos., was married 22.4 (=June), 1721, among the Friends and was buried 16.2. 1771 aged 80. Strangely enough there were married at Honington, Warwickshire, not far away, on 10 April, 1721, Samuel Beavington and Anne Godard, both of Campden, vagrants. Now it is the Quaker whose ancestry we want to trace. Neither his marriage certificate, nor the register nor his Will give any clue to his ancestry, but there is no other Samuel in the Quaker Registers or in Minutes of Meetings in that part of the country at the time of his marriage, and he appears in the first entry of the Minutes of the Campden and Stow Meeting in 1724.

Pursuing these Minutes, however, there appears a list of Deeds of the Meeting Houses of Campden, Stow-on-the-Wold, Shipston-on-Stour and other places, which had been sent in about 1790 to the safe at Cirencester. From these we learn that Samuel was appointed a Trustee at Stow in 1719, at Campden in 1722, and that in 1696 the property for the Friends at Shipston was conveyed from Francis Bevington to them. (Beavington and Bevington are variant spellings.) Whence came Samuel? No trace of Beavingtons at Campden is found in Subsidy or Hearth Tax Rolls up to about 1662, the latest available nor in the Campden Register, 1650-1720, nor was Samuel found in various registers of neighbouring places. The mention of Francis in the Shipston Deed suggested trying that place, and we find in the Register a Samuel baptised 1st January, 1686, no parentage given, and another Samuel baptised 8th August, 1692, son of Samuel and Mary, and other children. Shipston is in Worcestershire and a search at the Worcester Probate Registry discovers the Will of Samuel the father, proved in 1713 by his two sons Samuel and Jefferey, of whom Samuel, being of the Sect called Quakers, made affirmation, but Jefferey was sworn in the prescribed form of law.

Here, then, we have a Samuel Beavington, baptised August 1692, at Shipston where the Quakers had acquired property in 1696, who had become a Quaker by 1713 when he proved

his father's Will at the age of 21, and who, at his death in February, 1771, would have been 78 years and 6 or 7 months old, which agrees pretty closely with the 80 of the Quaker Register. Both he and his father were tanners.

After considerable correspondence I found that the Deeds mentioned above are at Birmingham, and from them we find that the Deeds of appointment of new trustees of the Meeting properties of Stow in 1752 and of Campden in 1736 bear his quite distinctive signature which agrees exactly with that to the Will of Samuel of Campden who died in 1771.

In passing I may mention that signatures to Wills or Deeds have more than once been helpful in this sort of way. To obtain them from places I am not visiting myself, I send to the searchers pieces of tracing paper for the purpose.

The next example is based on the recurrence of a particular Christian name. I wanted to find the ancestors of Andrew Waring of Leominster, baker, who was buried there in 1707. His Will, at Hereford, gives no clue to his origin. He had two sons, Andrew and William, baptised at Leominster in 1685 and 1686, the earliest Waring entries in the Leominster Register. Of these sons, Andrew had, among other children, sons Andrew and William, and William had a son William. Hearth Tax records disclosed no Warings at Leominster, or indeed anywhere in Herefordshire, up to 1678. It appeared, then, that probably Andrew had gone to Leominster in about 1680.

From other investigations I had collected many notes of Warings in different parts of the country and had found that families of this name were specially numerous in Lancashire and Shropshire. Shropshire, being contiguous to Herefordshire, was, naturally, the most likely origin of the Leominster family. Fortunately the Shropshire Parish Register Society has published a very large number of Registers. A steady search through the indexes of these for an Andrew Waring was rewarded by finding at Stanton Lacy, near Ludlow, a father Andrew and his son Andrew, the latter baptised there in 1665. From the Stanton Lacy and Ludlow

registers it seemed possible to piece together a family of three brothers, Andrew, William and Henry, sons of Henry of Stanton Lacy. Ludlow and Stanton Lacy being in the diocese of Hereford, the next step was to try the Hereford Probate Registry, with the result that there was found the Administration of Henry, the presumed son. As the father might have died in the Commonwealth period, I tried London, and found Henry of Salop in 1660. The copy Will did not say where he lived, but it confirmed the three sons named above and mentioned other children. I have found the baptisms of one only, Mary, at Ludlow. The others may have been born during the period of hiatus in the registers of Ludlow and Stanton Lacy or, still more likely, before Henry the father went to Stanton Lacy, at some place of which the register is not yet printed. Henry was married at Stanton Lacy in 1637, the first Waring entry in the Register, but probably did not settle there at once, as none of his children appear in the registers of the two towns until the baptism in 1646 at Ludlow.

Mary was probably baptised at Ludlow because the Vicar at Stanton Lacy had already been ejected (see the Register) while the Vicar or Rector of Ludlow was still officiating in 1646, though not later.

As it appeared that the clerk who copied the Will of Henry had made some errors, I applied for the original Will, which was duly produced. On the back of it, along with a note of the probate is endorsed "of Stanton Lacy." The Will is a holograph evidently in Henry's own writing and spelling, both of which were atrocious. I think that the copy contained various errors, excusable under the circumstances, but immaterial for pedigree purposes. The endorsement was more valuable than the corrections.

The sequence of Andrews, two at Stanton Lacy, and three at Leominster is pretty conclusive, combined with the dates and with the fact that I have not found any Andrews elsewhere, that Andrew II of Stanton Lacy was the same as Andrew I of Leominster. The origin of Henry the father is

not yet solved. The indications point to some place west of Shrewsbury. Henry married Joane and their child Mary Maty (daughter of Henry and Joane), was baptised at Ludlow, 8th May, 1646, and a son John (son of Henry and Joane) was buried at Westbury, west of Shrewsbury, 5th June, 1645. It is noticeable that among the many Waring families in Shropshire, the name Henry, both in Registers and Wills, appears to be limited to families of Stanton Lacy, Westbury, Alberbury and Ford, these last three places being close together.

An example of the value of the Apprenticeship Registers, discovered at Somerest House in 1921, and now available at the Record Office, may be taken from the same Waring family. One of the sons of Andrew of Leominster was John, baptised in 1706. A small-print footnote in a small book on Leominster says that in 1757 John Waring, shoemaker, bought the Tolls of the Market for £100. One might presume the probability of the two Johns being the same person, but more evidence would be desirable. The Apprentice Registers provide it, recording that John Waring, son of Andrew, was apprenticed 11th July, 1721 (i.e., at 15 years old) to Benjamin Thomas of Leominster, shoemaker. I have found several valuable items in the Society's* card index of these Registers. To search the volumes themselves is a very lengthy task.

The Hearth Tax and Subsidy Rolls are well known, but the Hearth Tax Exemption Certificates are probably less consulted, and have, indeed, been made available only quite recently. They are included in the new Lay Subsidy catalogue. Only occasionally are the exempted persons recorded in the Hearth Tax Assessment Rolls, notable examples being 168/216 for Shropshire and 119/492 for Herefordshire. These exemption Certificates nearly all on paper, are at present in bundles for counties, the contents of which are little rolls of certificates, some for single places, some for groups of places, often docketed with the Hundred. But in most

*Reference to *Society* in this article pertains to the Society of Genealogists, London, England.

cases the rolled up certificates must be unrolled to find whether a particular place is included or not. This takes much time, and is likely, I fear, to lead to wear and damage. They are, however, of importance as complements to the Assessment Rolls, containing, as they do often, many names. For example at Ludlow, in 1673, there were 118 exemptions, and at Stanton Lacy in 1670, 62 exemptions.

In my own work, there was a William Atkinson of Roxby, Lincs., taxed in a subsidy in 1542. After him no Atkinson appear for Roxby in the large number of Subsidy Rolls consulted. From the few fragmentary Hearth Tax Rolls available there is no evidence whether members of the family were taxed or not, but a Roxby Exemption Certificate of 1674 contains among the nine names Thomas Atkinson and Elizabeth Atkinson, widow.

There is a large collection of Certificates of Residence, granted by the Subsidy Commissioners to prevent persons removing from one county to another being twice assessed for the same subsidy. These have all been flattened out and mounted (nearly all being on paper), and sorted to surnames of the same initial. They are now indexed and the index can be consulted on application for it. I searched "W," 33 bundles of about 100 certificates in each bundle. My patience was, unfortunately, not rewarded in this instance in the case of the family for which I was specially searching, that of Waring, in connection with the Henry of Stanton Lacy above.

The records of Episcopal and Archidiaconal Courts are rather out of the routine course of research, but are useful, more especially, perhaps, but not exclusively, in the case of Quaker families. An example will illustrate this. In the Register of Roxby, Lincs., there is an entry in 1668: "a woman child of John Dents and Anne Hutchinsons which they call Milcah, but it unbaptised, was born Jan. 30." Unbaptised because its parents were Quakers, but entered in the Register in accordance with the Act of 1653 requiring the registration of all births in the parish, whether baptised or not. In 1643 was baptised Anne, daughter of James and

Margerite Hutchinson; and James was Churchwarden in 1652. It was, of course, possible that this Ann was the one who married John Dent, but an Anne Hutchinson who married John Morris in 1662 might also have been James' Anne. An entry recording that "James Hutchinson (an excommunicated person) was buried in his garden 30 March 1666" indicates a strong probability that he was excommunicated for being a Quaker, and consequently that it was his Anne who married John Dent.

The Archidiaconal Visitation records at Lincoln give the information required. In 1662 James Hutchinson was excommunicated for absenting himself from Church, so was John Dent. In 1663 they were both excommunicated again. In 1664 they were both presented to the Court for standing excommunicate; and John Dent was "excommunicated for living incontinently with Anne Hutchinson, daughter of James Hutchinson, as man and wife, they being never lawfully married as the common fame goeth,"and Anne Hutchinson was excommunicated for the like fame. In 1686 the churchwardens presented John Dent and Ann his wife for not coming to their parish church to hear divine service and sermons.

As an example of the results of following up a detail of apparently small importance we may take this case. Richard Dearman of Manchester, draper, in his Will of 1832, left everything to his wife except one small bequest of "Claude's Essay on the Composition of a Sermon." He directed that he should be buried at Bethesda Chapel, Pendleton. The mention of this book suggested that possibly he had to compose sermons himself and was some sort of minister. Enquiry showed that this Chapel belonged to the Methodist New Connexion. The register of births and baptisms 1806-1837 was found among the non-parochial registers deposited at the General Registry at Somerest House, and among a number of persons who had administered baptism was Richard Dearman. Following this, further search was made in the like register of another chapel of the same denomination at Old-

ham St., Manchester, and in that was found the birth and baptism of his son Richard, in 1822.

The next example illustrates the use of genealogical papers deposited with the Society, and was the cause of my first acquaintance with the Society and of my joining it. I was anxious to trace the parentage of Sarah Ford who married Thomas Waring at the Friends' Meeting at Worcester in 1745, but whose parentage is not mentioned in the marriage certificate. It was to be noted that two members of her family who signed the certificate spelled the name Foord, she signed it as Sarah Waring. From the Quaker Registers it appeared that there were in the western midland counties families of Ford and of Foord or Foard. From these registers I found a Sarah Ford born in 1722, daughter of John, and another born in 1732, daughter of Thomas and Mary. In neither case is there any further information. Further a Sarah Ford married Joseph Beesley at Worcester in 1764, but again no parentage of Sarah is given. Either of the two Sarahs whose births are noted might have been the Sarah of either marriage.

Following the point of the two spellings, Ford and Foord, I worked out what appeared to be two distinct families, with one or two transferences of Ford to Foord, and came to the conclusion that Sarah, born in 1722, was really a Foord, and was probably the one who married Thomas Waring, as suggested by her relatives' signatures. Assuming her to be a Foord, her sister Hannah Foord, who died young, was described in the burial note as "niece of John Stanley" with no mention of her parents. A John Stanley signed the marriage certificate mentioned above. These references naturally suggested following up Stanleys. Knowing from another source that one Josiah Newman had worked on Stanleys, I got in touch with his descendants and found that his papers had been deposited with the Society. I paid a visit to the office and saw the bundles of his papers and saw at once that there was much valuable material for me and joined the Society. Josiah Newman had accumulated a mass of notes

and manuscript material, but unfortunately had put only a part of it really in order. Among loose sheets of paper was one with the Foord family, with Sarah's parents, John Foord and Mary Stanley, daughter of John, and her marriage with Thomas Waring and descendants down to my father; Newman's work thus confirming my own. Incidentally through this Sarah Foord there is traceable a Royal Descendant from Edward III, and all sorts of interesting connections with prominent families, and links with the material that the Marquis de Ruvigny had collected for his second volume of the Mortimer-Percy descent in his "Plantagenet Roll," which material is also now deposited with the Society.

Age of Girls At Marriage in Colonial New England

By Donald Lines Jacobus, M.A., F.A.S.G.
of New Haven, Conn.

There seems to be a general impression that girls often married at a very early age in colonial days in New England. One is constantly running across references to such a belief, in many cases asserted as an accepted fact. For example, the writer recently noted the following statements in *The "Mary and John"* (1943), by Maude Pinney Kuhns. in commenting on the age of Abigail Ford at marriage to "Elder" John Strong, she observes (p. 25-26), "there are many records of girls who married at twelve that are accepted without question. For instance, Sarah Griswold born in 1638 married Samuel Phelps in 1650. Also Mary Merwin, born in 1666, married Joseph Hull in 1676." She gives the Griswold record on page 61, and the Merwin record on page 48. The latter is to the effect that Joseph[3] Hull (Josiah[2], George[1]), 1652-1709, m. 1676 Mary Merwin, the latter born 1666, and in reference to this she adds a note to the effect that it has been questioned "because she would have been but ten years old when she married in 1676, and but twelve when a child was born in 1678. Nevertheless, she is called Mary Hull in her father's will."

The last example, being the most extreme, will be considered first. It is obvious that the surname given her in the father's will proves merely that Mary married a Hull, not that her husband was any specific Hull. It has long been accepted that this Mary Merwin, born at Milford, Conn. 23 Jan. 1665/6, married about 1690, John Hull of Derby, born 14 Mar. 1661/2, died 9 Nov. 1714. Derby is just north

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of Milford, and Mary Merwin's next younger sister, Hannah, married Abel Holbrook and also settled in Derby. John and Mary Hull of Derby named their first Child Deborah, which was the name of Mary Merwin's youngest sister; fourth child Martha, which was the name of Mary Merwin's twin sister; their fifth child Daniel, which was the name of Mary Merwin's half-brother, between four and five years older than herself, who had died young; and their seventh child Miles, which was the name of the father and the next older brother of Mary Merwin.

The marriage of Mary Merwin to John Hull of Derby is found in the manuscripts of the late George Clarke Bryant, who labored many years on the Milford families. It was stated by the present writer in the account of the Hull family in *Families of Ancient New Haven* (4:873) and in the account of the Merwin family in *Families of Old Fairfield* (1:407).

On the other hand, the careful Mary Walton Ferris, who labored a decade on her *Dawes-Gates Ancestral Lines* (1931), fails to identify the wife of Joseph[3] Hull (Josiah[2], George[1]) even by a given name (2:462), and in a footnote rejects the suggestion that his wife was Mary Merwin. The suggestion goes back to Col. Weygant's *Hull Family in America* (1913), where it is stated that this Joseph Hull "probably married" this Mary Merwin.

Thus there is no authority for the marriage of this ten-year-old girl except a family history which most genealogists have found to be not too reliable, and even in this the statement is qualified with "probably," a word too often discarded when printed sources are copied or quoted.

Sarah Griswold did marry Samuel Phelps in 1650, and hence married at twelve *if* she was born in 1638. The older children of Edward Griswold were born in Kenilworth, co. Warwick, England. The present writer has not seen the Kenilworth church records quoted in full, though various statements are in print. Stiles, *History of Windsor* (1892, 2:351), gives year dates of the Griswold children baptised

at Kenilworth as: Sarah, 1631; George, 1633; Liddia, 1637, and Sarah, 1638; and inserts Francis, without authority, as born 1635. The same dates appear in the recent *Griswold Genealogy* (2:22).

However, the Salisbury *Family-Histories and Genealogies,* which was also published, like the cited works of Stiles, in 1892, contain the following statement (2:11): "The existing records of Kenilworth give baptisms of children of Edward Griswold, as follows: Sarah, 1631, George, 1633; Sarah, 1635; Liddia, 1637." This account was followed by Mrs. Ferris [*op. cit.,* 2:402-3] and by the present writer [*The Waterman Family,* 1939, 1:665]. Mrs. Ferris placed the son Francis as the fifth child without date, which by inference would place his birth as *circa* 1639. That date seemed far too late for me, in view of the known facts of the life of Francis Griswold, and I placed him as the first child, perhaps born 1629 prior to the series of recorded baptisms.

Now it is entirely a matter of opinion as to which statement is correct in giving the year of Sarah's baptism as 1635 or 1638, until the parish registers of Kenilworth are reexamined and copied in full so far as Griswold entries are concerned. Until then, it cannot properly be claimed as a certainty which year Sarah was born. If 1638, then indeed she was but twelve at marriage; but if 1635, then she was fifteen.

As for Abigail (Ford) Strong, the original occasion for this inquiry, she was baptised 8 Oct. 1619, presumably in infancy, and there is no reason to set her marriage to John Strong earlier than 1635, when she was between fifteen and sixteen years old [see the data of Mr. Clarence A. Torrey in *The American Genealogist,* 16:41; also, *The Waterman Family,* 1:641-3].

The specific cases of alleged marriage of girls at twelve years or younger which we have been considering are characteristic of many such claims to be found in various sources. When carefully examined, most of them turn out to be in-

correct or unproved. We are forced to challenge the statement of Mrs. Kuhns as to "many records of girls who married at twelve." After forty or more years of almost constant study of the families of colonial England, the present writer recalls offhand only one proved case (aside from the doubtful case of Sarah Griswold) of a girl marrying at twelve, and that depends on the accuracy of Winthrop in stating her age. In compiling all the families of New Haven, Conn., a work of some 2,000 pages, no marriage of a girl at twelve was found and only two marriages at thirteen.

A good percentage of girls in colonial New England married between the ages of eighteen and twenty-one; a great many married when over twenty-one; marriages at sixteen and seventeen were fairly common; and a considerable number (though few on a percentage basis) married at fifteen. Marriages at fourteen and at earlier ages were not common, and the plain fact is that records of such early marriages are extremely scarce.

The writer once discussed this question with the late Col. Charles E. Banks, who had made a statistical study of ages at marriage, drawing similar conclusions.

Genealogical Research in the National Archives

By Meredith B. Colket, F.A.S.G

The National Archives is the public record office of our national government. The Building, which was completed in 1937, is located between 7th and 9th Streets, and Pennsylvania and Constitution Avenues, Northwest, Washington, D.C. It is a massive almost windowless structure with 72 impressive Corinthian columns. Its Exhibition Hall contains the Declaration of Independence, the Constitution, the Bill of Rights, and other famous documents, as well as murals depicting signers of the Declaration of Independence and of the Constitution. Its 196 stack areas contain almost 800,000 cubic feet of non-current records. These records, selected for their enduring value dated chiefly between 1775 and the present. Some of them contain genealogical information.

The principle types of records in the National Archives that contain genealogical information are briefly described below.

Population census schedules: The National Archives has population census schedules for the decennial years 1790-1880 and portions of a special 1890 census enumerating Civil War veterans. Schedules for 1790 have been printed in separate volumns by State and these volumes are indexed. Copies of these printed volumes are both in the National Archives and in the larger genealogical libraries. The schedules for the later years are originals, photostats, or microfilms, the 1880 schedules being available in the National Archives only in microfilm form. The schedules for 1850-80 show the name, age, and State, Territory, or county of birth of each free person. On request the National Archives will send price lists showing the cost of microfilm copies of the schedules for 1830-90.

The Bureau of the Census, Washington 25, D.C. has a partial index to the 1880 census schedules and will search microfilms of these schedules for a fee.

Pension and bounty-land warrant application files: The National Archives has pension application files relating to military, naval, and marine service performed in the Revolutionary War, the War of 1812, Indian wars, the Mexican War, the Civil War (Union services only), and the Spanish-American War. It also has bounty-land warrant application files relating to military, naval, and marine service performed in the Revolutionary War, the War of 1812, the Mexican War, and Indian wars, 1775-1855.

Military service records: The Archives has military service records, 1775-1912, relating chiefly to the Revolutionary War, War of 1812, Mexican War, Civil War (both Union and Confederate service), and Spanish-American War. The Revolutionary War and Confederate service records are incomplete.

Naval service records: The National Archives has naval service records, chiefly 1775-1885. They relate to the Revolutionary War, the War of 1812, the Mexican War, and the Civil War (both Union and Confederate service). The Revolutionary War and Confederate service records are incomplete.

Passenger arrival records: The passenger arrival records in the National Archives include records for the following ports and years with personal name indexes as indicated: Baltimore, 1820-1919, with gaps (indexed 1820-99); Boston, 1820-99 (indexed 1820-91); New Orleans, 1820-99 (indexed (1820-74); New York, 1820-June 15, 1897 (indexed chiefly 1820-40); Philadelphia, 1798-1899 (indexed). Some of the indexes are incomplete. Most of the records show: the name, age, and country of allegiance of each passenger.

Land Records: The National Archives has records, such as homestead application files and private land claims, that relate to the entry of individual settlers on land in the United States exclusive of the Thirteen Original States; and Maine,

Vermont, West Virginia, Kentucky, Tennessee, and Texas. The records are dated chiefly 1800-1950. They vary in detail but as a minimum show the name of the person who first acquired from the United States Government a tract of land on the public domain, the location of the land, and the date that it was acquired.

Records about Indians: The National Archives has many records relating to Indians who maintained their tribal status. They are dated chiefly 1830-1940. They include lists of Indians (chiefly Cherokee, Chickasaw, Choctaw, and Creeks); annuity pay rolls, 1840-1940, annual census rolls, 1885-1940; and claim files relating to the Eastern Cherokee, 1902-10.

Records about District of Columbia residents: The National Archives has some records relating to District of Columbia residents. They include: declarations of intention and other records concerning the naturalization of individuals, 1802-1926; copies of wills, 1801-88; records relating to the administration of estates, 1801-78; and guardianship papers, 1812-78.

AVAILABILITY OF RECORDS

These records of genealogical interest are voluminous, and many are without name indexes. To find a record relating to a particular person may therefore take a great deal of time. The resources of the National Archives are not sufficient for it to make extensive searches. It stands ready, however, to make the records available in its searchrooms so that inquirers can themselves search for the information they desire. Anyone who is not able to come to the National Archives may have a friend or an agent make searches in the records for him. On request the National Archives will provide a list of persons who have indicated their willingness to make such searches for a fee.

In order to examine records a searcher should go in person to room 205 and obtain a card of admission together with a printed statement of regulations for the public use of records in the National Archives.

Most records of genealogical interest are available through the large central search room on the second floor. At the central desk are available introductions to genealogical research, city directories, and other aids. Adjoining this room are the west and all the east search rooms with walls lined with reference books of use in searching records. A librarian is stationed at a desk in the west search room; and typewriters are available in the east search room for copying records.

At the extreme east of the second floor corridor is the microfilm reading room. This room was opened in July 1957 with booths for 10 microfilm reading machines. Here are available microfilm copies of the 1880 census schedules, microfilm copies of the 1885 Colorado census schedules, microfilm copies of the New York passenger lists, 1820-38, and other microfilm.

A room of special interest to the genealogist is the search room of the Cartographic Records Division on the ground floor. Here the searcher can request original maps showing such data as early place names, the direction of water courses, migration trails, boundaries of minor subdivisions of States, and the names of early land owners in some areas.

Except for Federal holidays the search rooms described above are open Monday through Friday, and, in addition, the second floor search rooms are open on Saturday. The hours are 8:45 a.m. to 10 p.m. except that on Saturday they are 8:45 a.m. to 5:15 p.m. Requests for records to be used in the central search room at night must normally be filed with the supervisor in charge before 4:00 p.m. on the day on which they are to be used, and those for records to be used there on Saturday must normally be filed before 3 p.m. on the previous Friday.

The National Archives has received many complimentary statements from genealogists about the efficiency and courtesy of its search room staff members.

Fraudulent Pedigrees

By Donald Lines Jacobus, M.A., F.A.S.G.
of New Haven, Conn.

It is common knowledge in the genealogical profession that for many years dealers in fraudulent pedigrees have been active both in this country and in Europe. Although in rare instances they may only have carried out the wishes of their employers in providing what the latter considered desirable ancestry, usually these dealers have traded on the ignorance of those they selected as their victims. As a rule, these fraudulent pedigrees have been built around the supposed descent of the early American settler from some noted family of the same surname abroad. They are therefore synthetic pedigrees, with real people at the American end and real European "ancestors" at the other end, but with missing links of a generation or more supplied from the imagination of the fabricator.

Some of these fraudulent pedigrees have been cleverly devised, and it is not suprising that they have found ready acceptance on the part of those who are unfamiliar with genuine record sources and inexperienced in English research. Innocent purchasers have often put these fabrications into print, and the good repute of the sponsors has endowed them with a fictitious air of authenticity. The printed word in itself carries weight with many, who hesitate to question pedigrees which have been published and generally accepted.

Two attitudes of mind characterize those who undertake ancestral quests. The first is the attitude of those who are not primarily interested in ascertaining their ancestry, but whose interest extends only to the establishment of an ancestral line which will make them eligible to join one or an-

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other of the numerous hereditary societies. This, of course, is not the attitude of all those who join societies; and even where this attitude is found, we would not be understood as criticizing it in the slightest degree. The joining of a society with the sole object of enjoying social intercourse with one's fellows, is an entirely worthy object in itself.

Nevertheless, it is necessary to make the distinction, because a very large number of people, whether they are interested in joining societies or not, are primarily interested in ascertaining their ancestry, and consequently insist on proper evidence and a high standard of accuracy, whether they do their research personally or employ professional genealogists to do it.

No one person has a proprietary interest in remote ancestors, because every remote ancestor has hundreds or thousands of descendants, and the rightful interest of each descendant is equal to that of every other descendant. Now, if a descendant who insists on reasonable proof, or a genealogist employed by such a descendant, is convinced after careful investigation that an alleged line of ancestry (perhaps one of the fraudulent pedigrees mentioned above) is incorrect, improbable, or unacceptable without proof, it is his privilege to publish his findings for the benefit of other descendants who share his attitude.

Such publication is sometimes disconcerting to those who have supposed the criticized pedigree to be correct, and who may even have joined societies on the strength of it. It is regrettable that this should happen, but there is no way to avoid it without depriving others of their equal right to their opinion. Those affected are under no compulsion to accept the adverse findings. It is their privilege to disregard them entirely, or they may weigh the evidence and arguments advanced and after such consideration either accept or reject them.

Similarly, each society has an absolute right to set its own standards of evidence. Some societies are very strict, others rather lax, in requiring proofs of descent from qualifying an-

cestors. So long as the standards adopted are satisfactory to the members of the society, it would be improper for an outsider to criticize those standards. But on the other hand, the fact that a society has accepted a certain pedigree by no means debars other descendants or genealogists from making an independent investigation and rejecting it if the evidence seems to them opposed to its validity. Liberty of thought, of speech, and of the printed word, still exists in matters of historical or genealogical opinion.

While it is the privilege of every person to believe what he chooses regarding his own ancestral lines, when he *publishes* his findings or beliefs he is in effect inviting appraisal and possible criticism of his conclusions by others who are interested in the same line. To be fair, adverse criticism should state precisely the reasons which militate against acceptance of the published statements. Many false statements have been printed which are in no sense fraudulent, but have found their origin merely in the lack of genealogical talent or experience in those who have sponsored them. *Fraudulent* pedigrees are usually easily recognized as such, and frequently find their way into print through the innocent medium of people who have purchased the fabrications of unscrupulous genealogists. Although it is always possible for the critic to discern and point out the well-known earmarks of fraudulent pedigrees, the identity of the fabricator is often too uncertain for the critic to expose it. Naturally, too, a conscientious critic shrinks from accusing a person who may have been merely a dupe of the actual fabricator. Personalities should never enter into honest criticism unless the identity of the perpetrator of the fraud is positively known and can be proved. However, a person of adequate knowledge does not have to know the identity of the counterfeiter in order to detect the counterfeit nature of a coin.

The chief purpose of *The American Genealogist* is to publish original, valuable genealogical data, and the editors are doing their utmost to maintain a high standard of accuracy. The new, original material published vastly exceeds in amount

the few articles of critical nature. The editor-in-chief has written no critical reviews except concerning families from which he himself descends or on which he has worked at the behest of descendants. In accord with the considerations above expressed, we maintain that it is our right and our privilege to apply to genealogy the same standards of research, documentation, and logical argument that are accepted in every other branch of historical study. We do not pretend to be innovators in this respect; our standards are those which all proficient genealogists and the best of the genealogical journals have applied for many years.

Marital Rights in the Colonial Period

By Noel C. Stevenson, F.A.S.G.

Some years ago when I visited New England and found the first Last Will and Testament of an ancestor, I quite naturally assumed that when our forefathers arrived in the seventeenth century they brought the common law of England in its entirety with them and transplanted it on this continent. I soon learned such was not the case. An examination of early statutory and case law indicates that the colonists brought with them their customary law and local institutions. Authorities on Colonial legal history have stated that the law of the settlers was a curious mixture of religious ideas and half-remembered customs from other lands. To trace each of these customary laws, local institutions, religious ideas, and the development of the common law in each village, county, and colony isn't exactly a project a person accomplishes over a week end.

An observation made by Professor Max Radin illustrates the problem faced by an investigator in this field: "The common law in the period between 1660 and 1776 certainly made great strides toward the domination of the law of America. But it never quite achieved it. Throughout the colonial period it remained a subsidiary, supplementary law, rivalling and in many specific matters ousting local institutions and regarded sometimes with veneration and at others with suspicion and hostility."

Professor Radin further states the law, that the civil law and the common law were deemed to supplement, was a ". . . New and indigenous law — or rather thirteen bodies of new law — created *pro re nata* by the activities of magistrates,

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the determination of legislative and quasi-legislative bodies. . . ."

For the reasons given above, it will not be possible to do more than discuss the main principles of the common law with as much emphasis as space will allow on the development and effect of the common law on the colonies generally.

I. PERSONAL RIGHTS

The Nature of the Marriage Relation

In Colonial America the concept of the marriage relationship was that of a civil contract rather than of a sacrament with the blessing of the church. This conception was greatly responsible for the enlargement of the rights of women, whereby they acquired proprietary, contractual, and tortious rights. At the same time that women acquired these rights, as is always the case, they had to accept the liabilities that go with these rights. By this is meant that if a person had the right to sue for a breach of contract, such a person has the liability of being sued. By reason of the changing economic conditions in the colonies, as contrasted with England and the continent, women, married and single, attained additional personal and property rights.

A married woman, at the Common Law, lost her identity upon marriage. The couple became one entity, and, of course, the husband was that entity.

In the American colonies women acted for themselves or in behalf of their spouses in the conduct of business houses and in the management of real and personal property. Conduct such as this had a tendency to destroy the old common law principle of the unity of the husband and wife into one legal entity.

Due to these new economic conditions in the colonies women often engaged in business for themselves. There are instances of partnerships consisting of women, married and otherwise, engaging in various types of business. Women acted as sole traders and in some instances acted for their husbands as agents in suing and defending in behalf of themselves and husbands. On the other hand, at the Common

Law, the wife could not act as an agent for her husband, except under unusual circumstances such as when he was civilly dead or banished.

Of course, the wife had the right of support by her husband in accordance with his station in life. The husband was entitled to the services, society, and consortium of the wife.

The husband was the natural guardian and custodian of the children of the marriage. He had the duty to support them, and was entitled to their services and earnings. He had the further right to recover for their injuries.

Divorce and Separation

At the common law there were two types of divorce. The total divorce, *a vinculo matrimonii,* could be granted only for some of the canonical causes. The partial divorce, *mensa et thoro,* is the equivalent of our present day decree for separate maintenance.

The right to a divorce was not, and is not now, a vested or natural right. Divorce might be obtained through legislative bodies by private act. It is significant that the first code of laws published in colonial America did not provide for divorce. Then, as now, provision for divorce in various jurisdictions was not uniform.

Debts, Torts, Crimes, Political and Social Status

If the wife was indebted before marriage, the husband was liable for her debts; the theory being that when he married her, her circumstances, good or bad, went with her. If the wife sustained injury to her person or property, she could not bring an action without her husband's concurrence and the suit was brought in his name, as well as her own. She could not be sued without naming her husband a defendant, and, of course, she could not sue her husband. In criminal prosecutions, the wife could be indicted, tried, and, if found guilty, punished separately, as the theory that husband and wife were one did not apply in criminal matters because marriage was considered only a civil union. Husband and

wife were not allowed or compelled to testify against each other. However, there were exceptions to this rule in the colonies.

In the colonies women did not have political or social equality with men. Women had no right to vote and in public the men took precedence.

Corporal Punishment

At the common law the husband was permitted to give his wife moderate correction, because he had to answer for her misbehavior. This rule was greatly modified in the colonies and married women had the right to be protected from the personal abuse of their husbands. At least, that was the theory, even if it was not the practice.

Development of the Right of the Wife to Contract

The development of the right of a wife to make contracts commenced in Courts of Equity. The first step was the doctrine of the "Equity to a settlement." This doctrine provided that when the husband, his assignee, or creditor, sought equitable relief against the wife's property, the Chancellor required that suitable provision be made out of the property for the support of the wife and children, if any. A further development was the recognition by Courts of Equity that property could be settled upon the wife as her own separate estate. This estate she could convey or encumber. It was free from the claims of her husband or his creditors.

A further step was the recognition of the right of a woman to enter into pre-nuptial and post-nuptial agreements concerning property owned before or after marriage. The early colonial common law courts assumed equity jurisdiction and recognized such pre-nuptial agreements between husband and wife. This early recognition of such contract rights did much to emancipate women from the position of housewife only, and those who were in a position to do so could engage in such business activities as their means, position, and opportunity allowed, if they so desired.

This was quite revolutionary when compared to the strict letter of the common law. The rigid letter of the common law provided that upon marriage the wife lost the right to contract due to the theory that husband and wife were one. Contracts between them were not recognized, they were not allowed to sue each other, and following marriage, it was not possible for a husband and wife to change the status of their property rights by agreement with each other.

II. Property Rights

At common law the husband had practically complete control over the wife's property. The chattels of a wife became the property of the husband. All property of this type passed to him absolutely, not only that which she owned at the time of the marriage, but all which she acquired during the marriage. An exception was made in respect to her paraphernalia consisting of her clothing and items of personal adornment. The wife's choses in action were the husband's if he reduced them to possession. If he did not do so, they remained hers, but he could exercise this right at any time during marriage. The wife's chattels real could be appropriated by the husband. He could sell, assign, or mortgage them. If unappropriated, they vested in the wife if she survived her husband, but if he survived her, they vested in him. The rents and profits from her real estate belonged to the husband, and in addition thereto, the husband had an estate by courtesy initiate or consummate in all of her freehold estates. If a wife tried to make a conveyance of her real property, such a conveyance was absolutely void unless her husband joined with her in the deed.

Wife's Interest in Real Property

At the common law the wife had the right of dower. Dower is the right of one who is a wife at the time of her husband's death, to a *life estate* in one-third of the lands of which her husband was seized during coverture in fee simple or fee tail and which lands might be inherited by her issue. Dower could be barred by desertion, divorce, treason of the

husband, alienage by the wife, levying of a fine or suffering a common recovery, or a settlement in lieu of dower. In order for a settlement to be binding there must have been an antenuptial agreement. In addition to this, a wife could release her right of dower.

The wife's dower rights were very valuable. They could not be taken away from her without her consent, or for the reasons set forth in the foregoing paragraph.

Dower was preserved for the benefit of a wife, even where the property was forfeited by the felony of her husband. The husband's creditors could not take the wife's dower in satisfaction of his debts.

While the general rule was that divorce barred the dower rights of the wife, some of the colonies provided that the innocent divorcee retained her dower rights. The same applied in case of some void marriages where there were children, and for a wife who deserted her husband due to his misconduct. The early American courts and legislative bodies took care to preserve the right of dower and did not always observe the rigid precedent of the common law by restricting the widow to one-third. There are instances where the widow was awarded as much as one-half of her husband's estate.

Transfer of Realty

The property rights of married women were greatly enhanced by the liberal attitude of the early American courts toward the transfer of real estate. In instances where the method of transferring an interest in real property in England was by fictitious suits of fines or common recoveries, the colonies favored free alienation of interests in real property and the simplest method was by a deed executed by husband and wife. There was a lack of uniformity in the laws pertaining to conveyancing. There are instances where a wife conveyed her real estate without the consent of her husband or without his joining in the execution of the conveyance. In some colonies the ancient fine or recovery was still used, while in

others, a deed executed by husband and wife was considered the only safe method of conveyance.

In order to protect a wife from any pressure a husband might inflict on her, in many jurisdictions the law provided that she be examined privately, out of the presence of her husband, to ascertain if the conveyance was free and voluntary. This safeguard is still employed in some states.

The Rights of the Husband in Real Property

It has been pointed out that the husband's real estate was subject to the dower right of his wife. The husband's right that is the equivalent of dower is the old common law right of courtesy, a right given the husband by the "courtesy of the laws of England."

Courtesy is the right of the husband to a life estate in *all* of the lands of which his wife was seized during coverture in fee simple or fee tail. In order for the husband to succeed to this right, the following conditions had to be complied with: (1) There must have been a valid marriage. (2) Seisin of the wife in the real property. (3) The wife must have died before the husband. (4) Issue capable of inheriting must have been born to the marriage.

Most of these conditions are easily proved. One that seems to have caused considerable difficulty was issue born to the marriage capable of inheriting. That contemplates that the child shall have been born alive, and in addition be a child capable of inheriting. This capability problem involved the time of birth and sometimes the sex of the child.

The requirement of capability of inheriting was further complicated by the sex of the child. For instance, if the wife was the owner of fee tail male estate and a female child was born, it would not be sufficient to create a tenancy in the husband by courtesy.

Inasmuch as the birth must take place during coverture, the delivery of a child by Caesarean operation after the death of the mother would not satisfy the requirement.

Whether issue is born "alive" is sometimes a difficult

question to decide. "Born" as ordinarily understood, means "brought forth" and a child is completely born, according to some authorities, when it has been delivered or expelled from, and has become external of the mother, whether the umbilical cord has been cut or not, though it has also been insisted that a child is not completely born until it lives by respiration independent of its mother. The burden of proving that the child was born alive rests on him who claims an estate by the courtesy dependent on such birth. Respiration or breathing is certainly evidence of life, but it is not necessary to prove the fact of respiration from actual observation. It has been held that life may exist for a time without respiration. This is only one of the signs which manifest the existence of life. There are other signs or indications among which the beating of the heart and the pulsation of the arteries may be considered satisfactory evidence of life in the child. It is a presumption of the civil law that a child born within six months after conception is incapable of living, but this presumption may be rebutted by showing that a child so born actually lived. As far as the kind, admissibility, and weight of evidence necessary to prove the fact of the issue having been born alive are concerned the same rules apply as in other cases.

Blackstone settles the proposition concerning the necessity of an infant to cry upon birth to satisfy proof of being born alive:

"The issue must be born alive. Some have had a notion that it must be heard to cry; but that is a mistake. Crying indeed is the *strongest* evidence of its being born alive; but it is not the only evidence."

The rule is very well stated in a New York case which held that where a child never cried, but breathed and its heart beat for some minutes, it was "born alive," and capable of inheriting, so that estate by courtesy attached.

After the birth of issue which can inherit, the husband becomes a tenant by the courtesy initiate. After the death of the wife, he becomes a tenant by the courtesy consummate.

The husband had further right of "Tenant in Fee Tail

After Possibility of Issue Extinct." This arose where there was no issue to inherit after the death of the wife. For example, assume after the marriage the wife died without bearing issue before the end of the child bearing period. In that event the husband would, under the conditions set forth above, become a tenant in fee tail after possibility of issue extinct, and would be entitled to a life estate in the lands of the wife held in fee tail.

Morris, in his discussion of courtesy states that "In the colonies the husband's right of courtesy was respected, and it is clear that his proprietary interest was confined to a life estate, and that he could not execute a valid conveyance in fee."

Heirship of Husband and Wife

The husband was not the heir of the wife, and the wife not the heir of the husband.

Heirs primarily means persons related to one by blood who would take his real estate if he died intestate. Husbands and wives are *not* heirs of each other. When they take under the wills or estates of each other, they are devisees or legatees.

Lost Ancestral Estates

By Donald Lines Jacobus, M.A., F.A.S.G.

Hardly an old-time American family can be found which has not some tradition of a lost fortune in England or Holland. Some of these stories, in their original form, were based on actual possession of property abroad by remote ancestors. Most of them were born in the minds of tenth-rate lawyers. In either case, there is practically no chance of recovery by American descendants.

Let us consider the genuine claims first. Very few of the early settlers in this country left property behind them in Europe. Many came from the unpropertied class. Usually those who had property disposed of it before or after their migration. But exceptions are found. In one New England town there were two families which derived an income from the ownership of lands in England. One family received this income until the Revolutionary War. In the other family, the English property was entailed to the eldest son and the income was received through three generations. In the fourth generation, the only daughter and heiress was left an orphan, and no steps were taken for some years to collect the income. When the attempt was finally made, obstacles were placed in the way of the American heirs, and although continued claims have been made down to quite recent times, no recovery has been obtained.

Even when the claim was genuine in the first instance, nothing whatever will be gained by spending money in the effort to recover ancestral estates abroad. This does not apply to property left recently by close relatives abroad, but to almost any claim that goes back of twenty-five years. There are exceptions, such as property left in trust, or in Chancery in England, but generally speaking claims are outlawed in European countries in considerably less than a quarter of a

century. The same is true in the United States. Most of the states provide by statute for the contingency of missing heirs. The proper officials have to be satisfied that a diligent effort has been made, by advertising and otherwise, to locate a missing heir, but if he fails to come forward in the time set by law, his claim may be outlawed and he and his heirs are debarred from recovery thereafter.

Hence a claim to property abroad which was owned by remote ancestors has practically no chance of putting money into the pockets of American descendants, and it is a waste of money on their part to pay lawyers to prove their descent and to institute actions for recovery. In a recent case of this sort, the action was dismissed by an English court in five minutes. American lawyers who have accepted fees to bring such actions may make the excuse that the foreign courts are prejudiced, but that is merely an "alibi"; lawyers who are both honest and competent do not accept that kind of case. A foreign court, prejudiced or not, has no power to revive outlawed claims.

Those who believe themselves to be heirs of remote lost estates customarily delude themselves as to the value of the property. It did happen very occasionally that the son or grandson of an American colonist, through the dying out of older branches, fell heir to valuable estates. At least two colonial New Englanders, Thomas Lake of Boston and John Davie of New London, enjoyed that good fortune. But what did they do about it? Naturally, they went to England and took possession of their inherited estates. When heirs did not bother to return in person, it was usually because the estate was not of sufficient value to justify them in assuming the expense of travel out of the country and of proving their claim.

The usual property abroad, when any was owned, was one or more pieces of real estate which produced an annual rent. An agent was employed to collect the rent, and was paid a commission for that service. It was rarely sent in money. It was converted into goods, which were then shipped to the owner. In a new country which was then entirely

agricultural, there was a demand for British and other European merchandise. Hence the recipient could keep what he liked and sell the balance for a profit, realizing more than if cash were sent. The family which received such an "unearned increment" from the home country was greatly envied by its neighbors, who had no outside source of income. In after years the actual value of rents and of the property which produced them became greatly exaggerated in the minds of descendants.

Now the annual rental received in one case was about ten pounds a year. Of course in purchasing power in colonial days that amounted to very much more than the present equivalent in American money. A family receiving that much might consider itself as well off as a family receiving an annual unearned five hundred dollars. It would represent an investment of a few thousand dollars in real estate. If the property has depreciated, it might be worth very little to-day. If on the other hand its location has led to a great enhancement of value, it may be taken for granted that the present possessors, whether their possession is legitimate or not, have the funds and the will to defend their possession, which is "nine points of the law."

These lost estates are very rarely worth as much as descendants imagine. But suppose, for the sake of argument, a lost inheritance of a million dollars. Most of the early settlers have now some thousands of descendants. A million dollars divided between even one thousand individuals would amount to but one thousand dollars apiece. That is supposing that it cost nothing to collect it. However, the expense of collecting would be enormous. For the inheritance of property, records would have to be searched and duly authenticated copies obtained. It costs thousands of dollars to compile a genealogy of the descendants of an early colonist, even without the expense of certification of records utilized. Lawyers charge higher fees than genealogists. There would be high court costs, for the matter would certainly be before a court for many months if not years. In the end, it is very

doubtful whether the individual heir would receive back the amount he advanced to help defray the initial expenses. And in strict fact, million-dollar estates do not lie around for two or three centuries waiting for someone to claim them.

So far as claims to property in England are concerned, it should be considered also that all such claims may have been forfeited if one's ancestor at the time of the Revolution was disloyal; in other words if he was what we call a patriot and took any part in the "rebellion" which we call the War of the Revolution. Our own states confiscated the property in this country of those who remained loyal to the British crown. It might justly be held that American colonists who rebelled and hence were disloyal as British subjects forfeited at that time their claim to property in Great Britain.

In that connection, the following story is of interest. A Yale graduate, a native American, studied medicine and received a commission as Surgeon's Mate in the regular British forces at the time of the French and Indian War of 1755-1762. For several years thereafter he remained in the British service. Then he retired on a pension and established himself in medical practice in a Connecticut town. He continued to draw his pension from the British government through the Revolution and through the War of 1812, to the end of his long life of over ninety years. Truly a remarkable instance of governmental good faith, which might well be emulated in these days when governments so easily repudiate their obligations. But it is to be noted that this surgeon took no active part in the Revolutionary War. Indeed, his continued acceptance of the British pension brought him disfavor with his townsmen to such an extent that he lost most of his medical practice. If he had taken up arms with the patriots, doubtless he would have lost his pension.

We have considered only those lost estates which were genuine or had a basis in fact, and which by some miracle might still be recoverable. The truth is, a very high percentage of such claims are either mistaken or fraudulent in character. Someone would see an advertisement for a missing heir and, if

the surname was his own, would play with the idea that he was in the line of inheritance. Strangely, people have spent large sums to attempt to prove such imaginary claims.

Many of them originated in the brains of dishonest lawyers. It was a paying "racket," particularly in the period between 1850 and 1900, for low-grade lawyers to organize family associations to recover ancestral millions. If possible, an old unsettled estate would be located, or one where originally there had been some controversy or a missing heir. Suppose the name to be Blake. The lawyer would then write to various Blakes, advising them that they might be heirs, and asking for information as to their families. Some of them would engage the lawyer to trace their lines further back, to qualify them as heirs. Often the lawyer would organize his "suckers" into an association. Annual dues would be fixed, which were turned over to the lawyer to use in proving the heirship of members and in prosecuting their claims. Sometimes this was kept up for years, but very rarely was a genuine action brought at law. Excuses for delay could always be found; usually further proofs needed to be found to establish the claims.

Thus it happens that nearly every old American family to-day has heard stories of lost estates abroad. The experienced genealogist has learned to smile politely when people recount these ancestral tales. Some cherish the romantic illusion of riches rightfully theirs; it is the one bit of color in their drab lives. It is unnecessary to disabuse them unless there is danger of their wasting hard-earned money to establish these illusory claims. The idea is so firmly fixed in the minds of some that no argument or evidence can remove it.

However, most people would not care to waste money pursuing such will-o'-the-wisps. The old racket still exists. The postal authorities do everything in their power to stop frauds of this nature, but they still flourish. It is difficult to take action against mutual associations so long as the members are satisfied; it is only when a member becomes suspicious and appeals to the authorities that action can be taken.

Furthermore, the racket is now carried on to a great extent from abroad.

If a letter should be received from a lawyer or agent of any kind, suggesting that the recipient is the heir or one of the heirs to an estate, what should be done about it? Of course, when it announces that the recipient has been given a legacy in the will of his late uncle, and he knows that he had such an uncle, it is likely to be genuine, and probably there is no need of his doing anything. It might not be amiss, however, to go to a lawyer of high standing in his town, ask just what he would charge for advice in the matter, and then follow the advice. Or he could write to the clerk of the probate court in the place where his relative died and make inquiry. The chances are, it will cost him little or nothing out of his own pocket to collect in a real case of inheritance. The administration will charge the costs against the estate, or a lawyer may represent a claimant on a contingent basis.

But if the recipient knows nothing of the relative or estate in question, and particularly if the letter comes from abroad, he should send an exact copy of the letter with a request for information to his Postmaster; and another exact copy with a similar request to the American consul in the country from which the letter came. And until he receives assurance as to the *bona fide* nature of the alleged inheritance, it would be advisable not to set his hopes too high nor to plan how he will spend his new riches.

Smith and Jones and Brown

[The following lines, credited to "Anonymous," appeared on the back of the front cover of *Pelliana,* vol. 2, no. 2, 1935. Feeling that they merit a wider audience, and that our readers will find them amusing, we reprint them with the omission of one stanza.]

I've pointed 'em in Savage, I've run 'em down in Burke,
Through Hotten's lists and others I've warmed unto the work,
Till now I've got 'em sorted and set out row by row,
Two, four and eight, and so on, as far as they will go.
As they lie spread before me my pride is taken down
By an over great proportion of Smith and Jones and Brown.
I've stalked a herd of nobles and backed into a king,
So that ancestral corner is quite the proper thing,
And as for lesser liars, celebrities or cranks,
I've resurrected all I own, to decorate the ranks.
But *they* make no impression when they are reckoned with
Humiliating numbers of Brown and Jones and Smith.
I have no foolish scruples about a missing link,
But forge 'em quite as deftly as Mr. Burke, I think.
My flying leaps and guesses are always to the good
And fill a link as neatly as any old link could.
But still with all my efforts my heart in secret owns
That mainly I'm compounded of Brown and Smith and Jones.
My Smiths are not connected with famous of their kind,
My Browns and Jones did nothing much so far as I can find;
But I've a consolation when tempted to ask why
It seems quite likely they were just as good as I.
And how can I be doubtful about my kin and kith
If *I'm* a living sample of Brown and Jones and Smith?

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Genealogical Periodicals Represented in This Anthology

American Genealogist, The — Donald Lines Jacobus, Editor-in-Chief, Box 3032, Westville Station, New Haven 15, Connecticut. Quarterly. $6.00.

Genealogists' Magazine, The. Published by The Society of Genealogists, 37 Harrington Gardens, London, S.W. 7. Quarterly. $2.25.

National Genealogical Society Quarterly. Published by The National Genealogical Society. Editor: Milton Rubincam, F.A.S.G., 6303 - 20th Avenue, Green Meadows, W. Hyattsville, Maryland. Quarterly. $6.00.

New England Historical and Genealogical Register, The. Published quarterly by The New England Historic Genealogical Society, 9 Ashburton Place, Boston, Massachusetts. Editor: Dr. Arthur Adams.

New York Genealogical and Biographical Record. New York Genealogical and Biographical Society, 122 E. 58th Street, New York 22, New York. Quarterly. $6.00 Single Nos. $2.00.

Seattle Genealogical Society, Bulletin of the, Editor: Arthur D. Fiske, Seattle Genealogical Society, 3007 - 14th Avenue West, Seattle 99, Washington. Published monthly except July and August. $3.00.

Pedigree

WHAT profit pedigree or long descents
From farre-fetcht blood, or painted monuments
Of our great-grandsire's visage? 'Tis most sad
To trust unto the worth another had
For keeping up our fame; which else would fall,
If, besides birth, there be no worth at all.
For, who counts him a gentleman whose grace
Is all in name, otherwise is base?
Or who will honour him that's honour's shame,
Noble in nothing but a noble name?
It's better to be meanly born and good,
Than one unworthy of his noble blood:
Though all thy walls shine with thy pedigree,
Yet virtue only makes nobility.
Then, that this pedigree may useful be
Search out the virtues of your family;
And to be worthy of your father's name,
Learn out the good they did, and do the same:
For, if you bear their arms, and not their fame,
Those ensigns of their worth, will be your shame.

Reprinted from Old Latin verse, in Burke's "Patrician."

GENEALOGICAL BY-WAYS

By WALTER GOODWIN DAVIS, F.A.S.G., of Portland, Maine.

Every genealogist knows that research often leads him into strange and entertaining by-ways. In the will of Lady (Joan) Frowick, the widow of a great London merchant and mayor of the city, made in 1500, she left to her daughter Isabel Haute "a sperver of Lord Alisander of blue and tawny." What was it? The Oxford Dictionary produced the information that "sperver" was an early term for a sparrow-hawk, which would have been a possible legacy, but who was "Lord Alisander," and could a sparrow-hawk be blue and orange? Quite obviously not, nor, did the *Complete Peerage* list such a lord. Another look at the dictionary for possible variants of "sperver" disclosed the fact that a *sparver* was a bed-canopy with hangings, whereupon the sparrow-hawk flew out of the window, for, as is often the case in women's wills, Lady Frowick disposed of many bed furnishings in hers. "Lord Alisander" still defied identification, however. Some time later the much earlier will of Lady Frowick's great-uncle, Thomas Cotton, a priest, came to hand and solved the second part of the problem, for the good parson left to his nephew his "bed of Bordalisandre." On a third trip to the dictionary, bordalisaunder turned out to be a mediæval term for an embroidered silk material manufactured in Alexandria, Egypt. One hopes that Isabel Haute slept well under her gay Egyptian canopy of "blue and tawny."

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MATHEMATICS AND MY COUSIN LUCRETIA

Contributed by Roy E. McFee

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Miss Lucretia Whosit, of Owls Roost, New York, is my sixth cousin through one family line, my seventh cousin through another family, and my eighth cousin through still another line. What is Lucretia's total relationship to me? In other words, if these three relationships are combined into one, what is my total degree of cousinship to Lucretia? Here is a kind of problem which, sooner or later, may occur to the mind of any ardent genealogist. It, therefore, demands a forthright solution.

To solve it, a little higher mathematics is suggested. At the same time, I am not unmindful that logarithms may add to genealogy some of that same fine dignity which Latin gives to a legal opinion. At any rate, the solution follows:

Sixth cousins are $\left(\frac{1}{2}\right)^6 = \frac{1}{64}$ of same ancestry

Seventh cousins are $\left(\frac{1}{2}\right)^7 = \frac{1}{128}$ of same ancestry

Eighth cousins are $\left(\frac{1}{2}\right)^8 = \frac{1}{256}$ of same ancestry

Then $\frac{1}{64} + \frac{1}{128} + \frac{1}{256} = \frac{7}{256} = 0.02734$ of same ancestry (total)

Let n = the total degree of cousinship

Then $\left(\frac{1}{2}\right)^n = 0.02734$

Whence $n = \frac{\text{logarithm of } 0.02734}{\text{logarithm of } 0.5} = \frac{-1.56320}{-0.30103} = 5.19$

Therefore, my total relationship to Lucretia is 5.19th cousin. The only trouble with that is its being a little hard to pronounce.

Finally, if I have not succeeded in making genealogy an exact science, do not let that bother you. The matter is not that important.

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